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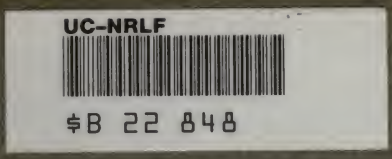

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Charter

OF THE

City *of* Galveston

AS PASSED BY THE

28th Legislature of the State of Texas and
Approved by the Governor
March 30, 1903

AND

Amendments Thereto Passed by the 29th and
30th Legislatures.

CLARKE & COURTS
THE TEXAS HOUSE
MANUFACTURING STATIONERS
GALVESTON, TEXAS.

JULIAN KORSKI

CHARTER

OF THE

CITY OF GALVESTON

AS PASSED BY THE

28th Legislature of the State of Texas and Approved by the Governor March 30, 1903

AND

Amendments Thereto Passed by the 29th and 30th Legislatures

CLARKE & COURTS
MANUFACTURING THE TEXAS HOUSE STATIONERS
GALVESTON, TEXAS.

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CHARTER

OF THE

CITY OF GALVESTON.

AN ACT*

To amend "An Act to incorporate the City of Galveston and to grant it a new Charter and to repeal all pre-existing Charters," approved April 18, 1901, and to repeal all laws in conflict herewith.

Be it enacted by the Legislature of the State of Texas:

Enacting clause.

Section 1. That all the inhabitants of the City of Galveston shall continue to be a body politic and corporate, with perpetual succession, by the name and style of the "City of Galveston," and as such they and their successors by that name shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises now possessed and enjoyed by said city, and herein granted and conferred; and shall be subject to all the duties and obligations now pertaining to or incumbent on said city as a corporation, not inconsistent with this Act, and may ordain and establish such acts, laws, regulations and ordinances, not inconsistent with the Constitution and laws of this State, as

Corporate powers, duties, obligations.

* The amendments as passed by the 29th Legislature, amending Sections 7, 15, 32, 35, 40, 70 and subdivisions (g) and (l) of Section 19; and by adding thereto Section 71a, and also Section 78a, ratifying and confirming an agreement and contract of settlement, adjustment and compromise between said City of Galveston and the Galveston Wharf Company, dated March 9, 1905, are inserted herein; and the amendments as passed by the 30th Legislature, amending Sections 10, 24 and 51, subdivisions (f) and (a) of Section 19; subdivision (u) of Section 34; subdivision (b) of Section 34. Sections 74, 54, 44, 78, 32 and subdivision (a) of Section 71, and adding Section 20 (a), Sections 71 (b), 71 (c) and 71 (e).

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shall be needful for the government, interest, welfare and good order of said body politic; and under the same name shall be known in law, and be capable of contracting and being contracted with, suing and being sued, implead and being impleaded, answering and being answered unto, in all courts and places and in all matters whatever; may take, hold and purchase, lease, grant and convey such real and personal or mixed property or estate as the purposes of the corporation may require, within or without the limits thereof, and may make, have and use a corporate seal, and change and renew the same at pleasure.

Corporate seal

Corporate limits.

Sec. 2. That the limits of said city shall embrace so much of the island of Galveston from the point thereof on the east to Fifty-sixth street, or to include the league and labor of land known as the Menard grant (provided that said league and labor shall extend beyond Fifty-sixth street); thence to include Galveston Bay and Pelican Island, and one mile north thereof; and the waters of the Gulf of Mexico extending south one marine league from the shore, from the channel and anchorage on the eastern end of Galveston Island to the western boundary of the city, so as to extend the police authority and jurisdiction, inclusive of Pelican Island, over all the area and territory aforesaid; **Provided,** nevertheless, that jurisdiction shall extend from the eastern boundary of said city over all real estate beyond said limits purchased or in any manner acquired by said city for the use of the corporation; and **Provided,** furthermore, that all the municipal regulations of said city shall apply to, extend and be in full force over the harbor and anchorage of Galveston, and to the bar at the entrance of said harbor; and the corporate authority and jurisdiction shall extend from the eastern boundary of said city over the east end of Galveston Island, and over all real estate beyond said limits purchased or in any manner acquired by said city for the use of the corporation; and **Provided** further, that the said limits may be hereafter extended, including and adding more territory to the same, whenever a majority of the inhabitants of said territory shall indicate a desire to be included within the limits of said city; and **Provided** further,

that neither the corporate limits nor the jurisdiction of said city shall extend to any point of the mainland so as to interfere or conflict in any wise with the riparian rights and privileges of the owners of the mainland, or any part thereof, bordering upon the waters of said bay; and **Provided** further, that the jurisdiction of said city shall not extend over Bolivar channel except for police and sanitary purposes.

City wards.

Sec. 3. The territory contained within the boundary of the City of Galveston shall be divided into twelve wards, as follows:

The First ward shall contain all the territory lying north of Avenue G and east of Thirteenth street.

The Second ward shall contain all the territory lying north of Avenue G, between Thirteenth and Seventeenth streets.

The Third ward shall contain all the territory lying north of Broadway, between Seventeenth and Twenty-first streets.

The Fourth ward shall contain all the territory lying north of Broadway, between Twenty-first and Twenty-fifth streets.

The Fifth ward shall contain all the territory lying north of Broadway, between Twenty-fifth and Twenty-ninth streets.

The Sixth ward shall contain all the territory lying north of Broadway, between Twenty-ninth street and the western boundary of the city.

The Seventh ward shall contain all the territory lying south of Broadway, between Twenty-ninth street and the western boundary of the city.

The Eighth ward shall contain all the territory lying south of Broadway, between Twenty-fifth and Twenty-ninth streets.

The Ninth ward shall contain all the territory lying south of Broadway, between Twenty-first and Twenty-fifth streets.

The Tenth ward shall contain all the territory lying south of Broadway, between Seventeenth and Twenty-first streets.

The Eleventh ward shall contain all the territory lying south of Avenue G, between Thirteenth and Seventeenth streets.

The Twelfth ward shall contain all the territory lying south of Avenue G and east of Thirteenth street.

Provided, that the Board of Commissioners of said city shall have power from time to time by ordinance to cause a division of said city to be made into as many wards (not less than twelve), as they may deem necessary and for the good of the inhabitants of said city.

City property.

Sec. 4. The waterworks and sewerage plants, fire engines, fire alarm, telegraph system, hose and hose carriages, horses and wagons, engine houses, school houses, public buildings, public squares, parks, promenades, wharves, streets, alleys, all stock and interest in any incorporated company, held or used for public purposes or in trust for the public, and all property which may have been granted or released to said City of Galveston by the State through a general or special law or joint resolution of the Legislature, and any judgment or judgments or causes of action in favor of said City of Galveston, and the electric light plant or other plant used for public purposes, and all other property, real and personal, held, controlled or used by said City of Galveston for the purposes of government, including all property of whatsoever character or description, whether of the same nature or not as the property heretofore specified, which may have been held, controlled or used by said City of Galveston for public uses or in trust for the public, or which may have been vested in the City of Galveston under and by virtue of any law of the State of Texas, shall vest in and remain and inure to the said corporation under this Act.

Vested in corporation.

Mayor and Commissioners—first election of.

Sec. 5. As soon as practicable, and within sixty days after this Act shall take effect, it shall be the duty of the Commissioners Court of Galveston County to order an election to be held in the City of Galveston, at which election the qualified

voters of the City of Galveston shall select a Mayor and four Commissioners, who shall constitute the Board of Commissioners of the City of Galveston, and said Commissioners Court shall fix the time and places in said city for holding said election, and the manner of holding the same shall be governed by the laws of the State of Texas governing general elections. The cost of such election shall be paid by the County of Galveston, but shall be refunded to said county by the City of Galveston. On the Tuesday following said election, or as soon thereafter as practicable, the said Court shall canvass the returns and declare the election of the candidates receiving the highest number of votes.

Places of election and manner of holding.

Cost of election; how paid.

Canvassing returns.

The Mayor shall be President of said Board of Commissioners, and the members of said Board shall hold office until their successors are elected and qualified.

Mayor to be President; members of Board; tenure of office.

On the second Tuesday in May, 1905, and in each second year thereafter, the Board of Commissioners of said city for the time being shall cause to be held in said city an election for their successors in office. In ordering such election the Board of Commissioners of the City of Galveston shall determine the places in the City of Galveston for holding such election, and the manner of holding same shall be governed by the laws of the State of Texas regulating general elections. On the Tuesday following such election the Board shall canvass the returns and declare the election of the candidates receiving the highest number of votes. The Mayor and each of the said four Commissioners shall not be less than twenty-five years of age, citizens of the United States, and for five years immediately preceding their election residents of the City of Galveston, and shall hold office for two years from and after the date of their qualification and until their successors shall have been duly elected and qualified. Said Board of Commissioners shall constitute the municipal government of the City of Galveston.

Regular city elections; time appointed for.

Places of election and manner of holding.

Canvassing returns.

Mayor and Commissioners.

Qualifications and term of office.

Municipal government.

Time for qualifying.

Each of said Commissioners, within ten days after the official announcement of his election or appointment, as the case may be, shall qualify as required by this Charter and the Constitution and laws of the State, and failing so to do, his office shall become vacant.

Commissioners successors of Mayor and Aldermen.

Sec. 6. The President and other members of the Board of Commissioners elected under this Act, and their successors in office, shall be held and deemed, in law and in fact, the successors of the Mayor and Aldermen of said City of Galveston, and upon the qualification of said President and the other members of said Board of Commissioners, all the powers, rights and duties of the Mayor and Board of Aldermen of the said city shall cease; and from and after the passage hereof the said Board of Commissioners shall have and exercise all the rights, powers and duties of the Mayor and Board of Aldermen of cities as may be conferred by the Constitution and laws of this State, and shall have and exercise all the rights, powers and duties conferred upon them or either of them by the terms of this Act.

Board of Commissioners—powers of.

Mayor-President.

The President of the said Board shall be Mayor, and shall have and exercise all the rights, powers and duties of Mayor conferred by the Constitution and laws of this State, and all those conferred by the terms of this Act. The Mayor shall be the President of the Board, and shall be named and styled "Mayor-President of the Board of Commissioners for the City of Galveston," and wherever the words Mayor or President occur in this Act they and each of them shall be held and construed as identical terms, descriptive of the President of the Board of Commissioners for the City of Galveston; and wherever the said city has heretofore, under the decree or judgment of any court, or under any law, ordinance or resolution, been entitled to representation through the Mayor of said city and one or more of the Aldermen thereof on the Board of Directors of any incorporated company in which the said city may own stock or be interested, it shall hereafter be represented on any such Board of Directors by the President of said Board of Com-

Directors in corporations.

missioners and by two other members of said Board, to be selected by said Board.

Board of Commissioners—style of. [Amended, Acts 1905.]

Sec. 7. Said Mayor and Commissioners shall, collectively, constitute and be known as the "Board of Commissioners of the City of Galveston." They shall take an oath to faithfully perform the duties of their said office, and each shall receive as compensation for his said services, beginning June 1, 1905, the sum of twelve hundred dollars ($1200) per annum, payable in equal monthly installments, except that the President of said Board shall receive a salary of two thousand dollars ($2000) per annum, payable in equal monthly installments, and the said President shall devote at least six hours a day to the duties of his office and to the affairs of said city.

Salaries.

President—duties, salary, etc.

Bond and oath of Mayor and Commissioners.

Sec. 8. That the Mayor and each Commissioner, before entering upon the duties of his office, shall give bond payable to the Governor of the State, for the use and benefit of said city, in the sum of five thousand dollars, conditioned for the faithful discharge of his duty, with two or more good and sufficient sureties, to be approved by the County Judge of Galveston County, and shall in addition to taking the oath prescribed by the Constitution of the State also take an oath that he is not under direct or indirect obligation to appoint or elect any person to any office, position or employment under said government.

Bonds; how payable and conditioned.

Officers appointed by majority vote.

The said Board of Commissioners shall, by a majority vote of all the members thereof, have the power to appoint all officers and subordinates in all departments of the said city.

Removal of Commissioners.

Sec. 9. Any member of said Board of Commissioners may be removed for the same reason and in the same manner as county officers.

Resignation or removal of Mayor or Commissioners

Sec. 10. Resignation by the Mayor or any Commissioner elected under this Act shall be made in writing to the Board of Commissioners for their action thereupon. In case of the removal of the Mayor or of any Commissioners from the territorial limits of said city, such removal shall *ipso facto* be deemed

Vacancy; election to fill.

to create a vacancy in his office. In case of any vacancy from any cause in the office of Mayor, or any Commissioner, the Board of Commissioners shall fill such vacancy by appointment until the next succeeding regular election; provided, such election is not more than ninety days off, and the person so appointed shall possess all the qualifications required by this Charter for such office; but should such election be more than ninety days off, this said office shall be filled by an election called for that purpose according to law. In case of vacancy in the office of

Mayor pro tem.

Mayor, from any cause, the Board of Commissioners may appoint one of their number to act as Mayor pro tem until such vacancy is filled as provided for in this section, and such Mayor pro tem shall have and exercise all the powers and duties of Mayor while he so acts, and his acts shall have the same force and validity.

Oaths administered by Commissioners and Secretary.

Sec. 11. Each Commissioner and the Secretary of the Board of Commissioners shall be, and they are hereby, authorized to administer oaths in the municipal affairs and government of the city.

Rules and regulations; Commissioners to make and enforce.

Sec. 12. Said Board of Commissioners so constituted shall have control and supervision over all the departments of said city, and to that end shall have power to make and enforce such rules and regulations as they may see fit and proper for and concerning the organization, management and operation of all of the departments of said city and whatever agencies may be created for the administration of its affairs.

Commissioners' departments—designation of heads; powers; duties.

They shall, by a majority vote of all said Commissioners, designate from among their members one Commissioner who shall be known as "Police and Fire Commissioner," and who shall have under his special charge the enforcement of all police

Police and Fire Commissioner

regulations of said city and general supervision over the fire department thereof; and one Commissioner, to be known as the

Commissioner of Streets and Public Property.

"Commissioner of Streets and Public Property," who shall have under his special charge the supervision of the streets, alleys, public grounds and property of said city, and be charged

with the duty of lighting the streets, and keeping the streets, alleys, public grounds and property in a clean and sanitary condition, and with the enforcement of all rules and regulations necessary to these ends, and who shall also have under his special charge the supervision of all public improvements, except as herein otherwise provided, and shall see that all contracts therefor are faithfully complied with, and that the conditions of the grant of any franchise or privilege are faithfully complied with and performed; and one Commissioner, to be known as the "Waterworks and Sewerage Commissioner," who shall have under his special charge the construction, maintenance and operation of the waterworks and sewer system and departments of said city, and shall see to the enforcement of all regulations with respect to said departments and with respect to all the revenues pertaining thereto; and one Commissioner who shall be known as the "Commissioner of Finance and Revenue," who shall have under his special charge the enforcement of all laws for the assessment and collection of taxes of every kind, and the collection of all revenues belonging to said city from whatever source the same may be derived, and who shall also examine into and keep informed as to the finances of such city.

Waterworks and Sewerage Commissioner.

Commissioner of Finance and Revenue.

Sec. 12a. The President of said Board shall have the right to vote as a member thereof on all questons which may arise. Said Board of Commissioners shall have the power to summon and compel the attendance of witnesses, and the production of books and papers before them whenever it may be necessary for the more effective discharge of their duties, and shall have power to punish for contempt of said Board with the same fines and penalties as the County Judge may punish for contempt of the County Court. All process necessary to enforce the powers conferred by this section shall be signed by the President of the Board and attested by the Secretary thereof, and shall be served by any member of the police force of said city.

President has right to vote.

Board may compel witness' attendance; also production of books and papers.

Contempt—punishment for.

Process—issuance of; how served.

President—powers and duties.

Sec. 13. That the President of said Board of Commissioners shall be the executive officer of said city, and shall see that all the laws thereof are enforced. The Commissioner named as the head of each department shall audit all accounts or claims against it, unless he be absent or fail or refuse so to do, in which event, the President shall appoint another Commissioner to act in his stead during his absence or to audit claims and accounts as the said Commissioner shall fail or refuse to act upon; but before payment all accounts shall be acted upon and approved by at least two members of said Board of Commissioners. Said Board shall require a statement to be published in January, April, July and October of each year, in the official newspaper of said city, showing a full, clear and complete statement of all taxes and other revenues collected and expended during the preceding quarter, indicating the respective sources from which the moneys are derived, and also indicating the disposition made thereof.

Claims—audited; approval of.

Financial statements.

Riots—President's duties as to.

Sec. 14. That whenever the President of the Board of Commissioners shall deem it necessary in order to enforce the laws of the city, or to avert danger, or protect life or property, in case of a riot or any outbreak, or calamity or public disturbance, or when he has reason to fear any serious violation of law or order, or any outbreak, or any other danger to said city or the inhabitants thereof, he shall summon into service, as a special police force, all, or as many of the citizens as in his judgment and discretion may be necessary and proper; and such summons may be by proclamation or order, addressed to the citizens generally, or those of any ward of the city or subdivision thereof, or such summons may be by personal notification; such special police, while in service, shall be subject to the orders of the President of the Board of Commissioners, shall perform such duties as he may require, and shall have the same power while on duty as the regular police force of said city; and any person so summoned, and failing to obey, or appearing and failing to

Special police summoned.

Failing to appear; penalty for.

perform any duty that may be required by this Act, shall be fined in any sum not exceeding one hundred dollars.

[Amended Acts 1905.]

Sec. 15. In case the President of said Board is unable to perform the duties of his office by reason of temporary or continued absence or sickness, the said Board shall appoint, by ballot, by a majority vote of all the members thereof, one of their number to act in his stead, whose official designation shall be "Acting President of the Board of Commissioners," and the Commissioner so appointed shall be invested with all the powers, and shall perform all the duties of the President of said Board during such absence or sickness, and shall receive the salary of the said President during such vacancy; **Provided,** that it shall continue for ten days or longer, and during such absence in excess of ten days the President shall receive no salary; **Provided,** further, that the Commissioner receiving compensation as Acting President shall not receive his salary as Commissioner for the same time he receives compensation as Acting President.

Acting President—appointment of; compensation of.

President receives no salary, when.

Sec. 16. Said Board of Commissioners shall meet at least once every week in regular meeting at such time as shall be fixed by said Board, at the City Hall or other designated place in said city, to consider and take under advisement and act upon such business as may come before them. A majority of said Board shall constitute a quorum for the transaction of all business, but no action of said Commissioners shall be effective unless upon a vote of a majority of such quorum, and no final action shall be taken in any matter concerning the special department of any absent Commissioner unless such business has been made a special order of the day, or such action is taken at a regular meeting of the Board.

Regular meetings of Board.

Quorum.

Commissioners' department—no action as to business of, unless.

Special meetings; how called; business of.

Special meetings may be called by the President of said Board, or by any two members thereof, at any time, to consider only such matters as shall be mentioned in the call for said meeting, and written notice thereof shall be given to each member of said Board.

Legislative sessions open.

All legislative sessions of said Board, whether regular or called, shall be open to the public.

Lawmaking power of Board.

Sec. 17. The Board of Commissioners of said city shall be vested with the power and charged with the duty of making all laws or ordinances not inconsistent with the Constitution and laws of this State, touching every object, matter and subject within the local government instituted by this Act. Every ordinance imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions shall, after the passage thereof, be published in every issue of the official newspaper for ten (10) days successively (excluding Sundays), and proof of such publication by the printer or publisher of such newspaper made before any officer authorized to administer oaths and filed with the Secretary of the Board of Commissioners, or any other competent proof of such publication, shall in all courts be conclusive evidence of the legal publication and promulgation of such ordinances; **Provided,** that amendments and corrections made in digesting and revision for publication in book form need not be so published.

Publication of ordinances.

Proof of publication.

Revised ordinances not published.

Ordinances take effect, when.

Ordinances passed by the Board of Commissioners and requiring publication shall take effect and be in force from and after the tenth publication thereof, unless it be otherwise expressly provided in such ordinance. Ordinances passed by the Board of Commissioners and not requiring publication shall take effect and be in force from and after their passage, unless it shall therein otherwise expressly be provided. All ordinances of the city, when printed and published and bearing on the title page thereof the words "Ordained and published by the Board of Commissioners of the City of Galveston," or words of like import, shall be prima facie evidence of their authenticity and shall be admitted and received in all courts and places without further proof.

Ordinances evidence in Court.

Ordinances; style of.

Sec. 18. The style of all ordinances shall be, "Be it ordained by the Board of Commissioners of the City of Galveston," but such caption may be omitted when said ordinances are pub-

lished in book form or are revised and digested under the order of the Board.

Sec. 19. The Board of Commissioners at their first meeting after their qualification, or so soon thereafter as possible, shall select the following officers, to-wit: a secretary, a treasurer, an attorney, a recorder or judge of the Corporation Court, an assessor and collector of taxes, a chief of police, a chief of the fire department, an engineer who shall also be superintendent of streets, an auditor, a secretary of waterworks and sewerage departments, a harbor master, a sexton, a superintendent of waterworks and sewerage, an engineer of the waterworks, an assistant engineer of the waterworks; and, if deemed necessary by the Board, an inspector of waterworks and sewerage plumbing, an assistant chief of police, an assistant chief of the fire department and an assistant city engineer. All said officers so elected shall hold their offices for two years, and until the election and qualification of their successors, unless removed by the said Board of Commissioners under the authority vested in it by this Act. No one shall be eligible to appointment or election to the foregoing offices or any of them unless he be at the time of his appointment a qualified voter in the City of Galveston.

Charter officers; appointment of.

Terms of office.

All officers qualified voters.

SECRETARY.

(a) It shall be the duty of the Secretary to attend every meeting of the Board of Commissioners and keep the minutes and records of all their proceedings in a well bound book kept for that purpose, and he shall perform such other duties as may be required of him by said Board, and shall receive a salary not to exceed fifteen hundred ($1500.00) dollars per annum, payable monthly.

City Secretary duties; salary.

TREASURER.

(b) The Treasurer shall give bond in such amount and in such form as may be required by the said Board, in a sum not less than $100,000.00 and with two or more good and sufficient

Treasurer—bond; duties.

sureties to be approved by the President of the Board and the Commissioner of Finance and Revenue, said bond to be conditioned for the faithful discharge of his duties. It shall be his duty to receive and keep, as herein provided, all money belonging to said city, and to pay out the same only on warrants drawn by the Auditor and signed by the President of said Board, and countersigned by the Commissioner of Finance and Revenue under the seal of said Board, and not otherwise. All moneys belonging to said city, and received by any officer or agent thereof, either from collections, fines, or any other source whatsoever, shall be by him deposited with the said Treasurer daily.

Daily deposits with Treasurer

Duplicate receipts.

For all moneys received the Treasurer shall give duplicate receipts in all cases, one to the party paying the said money into the treasury and one for the Auditor. All persons charged with the collection of any money under this Act, or ordinance passed in pursuance thereof, shall promptly pay the same over to the Treasurer, under such penalty as may be prescribed by ordinance, and shall forthwith hand the Treasurer's receipt to the Auditor, who shall countersign the original receipt and retain the duplicate; and the party paying shall then hold said original receipt.

Treasurer's receipts handed to Auditor.

Said Treasurer shall render a full and correct statement of his receipts and payments to the Board of Commissioners at the first regular meeting of the Board of Commissioners in each month, and whensoever at other times he may be required by any member of said Board so to do.

Treasurer's monthly reports.

The Board of Commissioners shall have the right to require of the Treasurer a new bond whenever in their opinion the existing bond is insufficient, and whenever such new bond is required he shall perform no official act until said bond shall be given and approved in the manner aforesaid.

Treasurer—new bond required.

The said Treasurer shall make daily deposits of such sums of money as shall be received by him from all sources of revenue whatsoever, to his credit as Treasurer of said city, in one or more banks situated in said city, to be selected by said Board of Commissioners, and any such bank, before any such deposit is made therein, shall be required to enter into an obligation

City depositories—daily deposits by Treasurer.

with the said Board of Commissioners to pay into the treasury of such city interest at a rate to be fixed by said Board of Commissioners, and which rate may be changed in the same manner, such rate not to be less than three (3) per centum per annum, which said interest shall be payable at the end of each month and shall be based on the average daily balances for the month. The said bank shall also execute a good and sufficient bond, with sureties to be approved by the said Board of Commissioners, and conditioned that such bank will safely keep and account for, and pay over said money on demand and as ordered by the Board of Commissioners. The said Board of Commissioners in the selection of any such depository bank shall take into consideration the reputation and solvency thereof, and the sufficiency of the security offered by such bank. All interest paid by any such bank upon such balances shall be collected by the Treasurer of said city, and shall be by him reported in his next statement following such collection, and shall be considered and treated as part of the general fund of such city, subject to use for any legitimate municipal purpose.

Contract and bond.

Rate of interest.

Bond—approval of.

Reputation and solvency of depositories considered.

Interest—how disposed of.

And said Treasurer shall do and perform such other acts as such Board of Commissioners may require of him, and for all such services he shall receive such salary as may be fixed by the Board, not exceeding the sum of twelve hundred ($1200) dollars per annum, payable in equal monthly installments.

Treasurer—salary of.

ASSESSOR AND COLLECTOR.

(c) The Assessor and Collector shall make up all the assessments of all property for taxation in said city, including the license and occupation taxes, and make rolls thereof, and on completion of the said rolls he shall report the same to said Board of Commissioners for their action. He shall have power and authority to administer any and all oaths in connection with the duties of his office as required by the Board of Com-

Assessor and Collector—duties.

May administer oaths.

missioners or otherwise by law. It shall be the duty of said Board, as soon as the assessment rolls of taxes due the city are completed, to sit as a board of equalization, to equalize the taxes assessed on said rolls, and in addition to the powers granted them by this Act they shall also have the same powers and perform the same duties as the County Commissioners' Courts of this State in regard to the assessment of property for taxation, and the equalization thereof, and shall be governed in their procedure and acts in this respect as is now provided by the laws of this State relating to the equalization of State and County taxes by the said Commissioners' Courts: **Provided,** however, that said Board shall not sit for more than thirty (30) days in performing the duties herein prescribed.

Board of equalization.

Supplemental tax lists.

It shall also be the duty of the said Assessor and Collector to make out lists of all property, real and personal, which has not been given in for assessment either for the current or any former year or years, according to the provisions of this Act and ordinances made in pursuance thereof, and to assess the same in the name of the owner, if he be known, and, if not, then it shall be assessed by description of the property, and by the name of the last known owner, or as "unknown," as the case may be, and the value of such property shall be determined by said Board of Commissioners sitting as a board of equalization; and such action may be taken to enforce the collection of taxes so assessed, if the same are not paid, as is herein prescribed for the collection of taxes on property given in for assessment.

Taxes; collection of.

Said Assessor and Collector shall also collect all taxes levied by this Act, including any tax levied for public schools, and in the collection of the same, in the event of non-payment, he shall proceed in accordance with the provisions of the laws of the State governing the collection of taxes, and shall have the right to employ such remedies to enforce such collection as are provided by the laws of the State for the collection of taxes levied for State and County purposes.

Bond of Assessor and Collector.

He shall give bond in such amount and in such form as said Board of Commissioners may provide, in a sum not less than

twenty-five thousand ($25,000) dollars, with two or more good and sufficient sureties to be approved by the President of said Board and the Commissioner of Finance and Revenue; and the Board of Commissioners shall have the right to require a new bond whenever in their opinion the existing bond is insufficient, and whenever such new bond is required he shall perform no official act until said bond shall be given and approved in the manner aforesaid.

Daily deposits with Treasurer

He shall daily pay over to the Treasurer all moneys by him collected, and shall report to said Board of Commissioners at the first meeting of that body in every month a full statement of all moneys so collected and paid over by him; and shall perform all such other duties, and in such manner, according to such rules and regulations as the said Board of Commissioners shall prescribe. He shall receive for his services an annual salary not to exceed the sum of eighteen hundred ($1800) dollars.

Salary.

ATTORNEY.

Attorney—duties.

(d) It shall be the duty of the Attorney to represent the said Board of Commissioners in all cases brought for or against said city in the courts of the State, or of the United States, in the County of Galveston and in the Corporation Court of said city. When requested by the said Board of Commissioners or any member thereof, he shall in writing give legal advice on all questions that may be referred to him, and shall, also in writing, advise the officers of said city as and when he may be called on for said advice. He shall, when requested, prepare all ordinances, and examine, supervise, prepare and approve as to form all contracts made by or with the said Board of Commissioners. He shall receive an annual salary not to exceed twelve hundred dollars ($1200) and such commissions as may be allowed by said Board of Commissioners; **Provided,** that no commissions exceeding five (5) per cent shall be allowed said Attorney for the collection of taxes, and then only on such

Salary and commissions. Bond.

taxes as he may collect under the order of the Board. He shall give bond for the faithful performance of his duties in the sum of five thousand ($5000) dollars.

Bond.

AUDITOR.

Auditor—duties.

(e) It shall be the duty of the Auditor to examine in detail all bills, accounts and claims against the said city, and, if found correct, sign his name in approval thereof; but, if found incorrect, he shall return them to the party presenting the same for correction. He shall be the general accountant of the said city, and shall keep in books regular accounts of all real, personal and mixed property of the said city, of all receipts and disbursements of money, and under proper heads, separately, each source of receipt and the cause of each disbursement; and shall also keep an account with each person, including the officers, who have money transactions with the said city, crediting amounts allowed by proper authority, and specifying the particular transaction to which such entries apply. It shall also be his duty at least once in each month to examine the books of accounts of all officers of said city charged with the receipt and disbursement of money, and, if they be found incorrect, to at once make a report in writing of the same to the Commissioner of Finance and Revenue. It shall also be his duty to examine all warrants and countersign the same after appropriation has been duly made to pay the same by said Board of Commissioners; and he shall render such other services from time to time as said Board of Commissioners may direct. He shall receive for his services such compensation as said Board may determine, not to exceed fifteen hundred ($1500) dollars per annum, and shall give bond for the faithful performance of his duties in the sum of ten thousand ($10,000) dollars, with two or more good and sufficient sureties, to be approved by the President of the Board and by the Commissioner of Finance and Revenue.

Salary and bond.

HEALTH PHYSICIAN.

(f) The Board of Commissioners shall also, at their first meeting after their qualification, or as soon thereafter as possible, elect a Health Physician, who shall be a physician in actual practice, who shall be charged with the duty of enforcing all quarantine regulations and of keeping the streets, alleys and sidewalks of said City and all premises therein in a sanitary condition, and he shall be authorized to enter all houses and other places, public or private, at all times, in the discharge of his duties for improving and maintaining the sanitation of said City and the prevention and suppression of diseases, and shall have the power to abate or cause to be abated all nuisances which may endanger or affect the health or comfort of the people of said city and generally to do all acts and make all regulations that may be necessary or expedient for the promotion of health or the suppression of disease. He shall receive an annual salary of not to exceed fifteen hundred dollars. He shall give a bond for the faithful performance of his duties in the sum of five thousand dollars, with two or more good and sufficient sureties, to be approved by the President of the Board and the Commissioner of Finance and Revenue; and shall perform such other duties as may be prescribed by said Board of Commissioners.

Health Physician—duties.

Salary and bond.

ENGINEER.

(g) The Engineer of said city shall be a professional civil engineer, and it shall be his duty to ascertain the established monuments of said city, and from them to extend surveys thereof, and establish others, and to locate, establish and survey all private property, streets and alleys within the territorial limits of said city when so called on or required so to do. He shall also maintain the grade of all the streets and alleys in said city, and exercise general supervision and superintendence over all work undertaken on the streets, alleys and public squares thereof; make estimates and plans, and give instructions

Engineer—duties. [Amended Acts 1905.]

as to grading or otherwise improving the same, and with respect to the construction of sidewalks so as to secure and preserve proper proportions and uniformity in the height and width thereof; and also to superintend and direct the construction of all culverts, bridges, drains, ditches, and other improvements projected by said Board; and he shall see that all parties contracting with said Board to do any work as aforesaid shall faithfully perform their contract, and in the event of their failure so to do it shall be his duty to report the same to the President of said Board. He shall also have and exercise general supervision over the construction of all railways which may at any time be constructed through the streets of said city, requiring them to conform to the established grade, so as not to impede the use and passage of said streets; and he shall perform such other duties as may be prescribed by the Board. He shall receive for his services a salary not to exceed fifteen hundred ($1500) dollars per annum, and such fees as the Board may by ordinance prescribe for making surveys and fixing boundaries of private property or other work, which fees shall be paid by the owners of such private property or other person, as may be directed by the Board; but in no event shall such fees be charged against or collected of the city for any work done by said Engineer.

Salary and fees.

HARBOR MASTER.

Harbor Master —duties.

(h) The Harbor Master shall have the power to regulate and station all ships or other vessels in the harbor or harbors of said city, and at the wharves thereof, or moored or anchored near thereto, and to superintend and enforce the execution of all rules and ordinances regulating the clearing of the docks in said city, and to prevent and remove, or require the removal of, all nuisances about them; to prevent the filling up of the harbor and channel in said city, and generally to direct and control the manner of loading and unloading the vessels at the docks or wharves in said city. He shall receive an annual

Salary.

salary of not exceeding one thousand ($1000) dollars. He shall give bond for the faithful performance of his duties in the sum of five thousand ($5000) dollars, with two or more good and sufficient sureties, to be approved by the President of said Board and by the Commissioner of Finance and Revenue, and to perform such other duties as may be prescribed by said Board of Commissioners. Bond.

SUPERINTENDENT OF WATERWORKS AND SEWERAGE.

(i) The Superintendent of Waterworks and Sewerage shall have full charge of the city waterworks and city sewerage system and all property connected therewith, and shall manage and control the same. He shall inspect all parts of said waterworks and sewerage systems and see that they are maintained in good condition for use and are being properly cared for, and that all employees of the waterworks and sewerage departments are attending to their respective duties. He shall keep in good repair the pumps, hydrants and all other waterworks and sewerage fixtures and property, and under the direction and orders of the Board. He shall employ all such laborers as may be necessary in said departments. The Superintendent shall perform all such other duties as may be prescribed by the Board of Commissioners, by ordinance or resolution, and shall receive for his services the sum of not exceeding twelve hundred ($1200) dollars per annum, payable in equal monthly installments. Superintendent of Waterworks and Sewerage —duties. Salary.

ENGINEER AND ASSISTANT ENGINEER OF WATERWORKS.

(j) The Engineer of said waterworks shall perform such duties as may be prescribed by the Board of Commissioners and shall receive for his services the sum of not exceeding fifteen hundred ($1500) dollars per annum, payable in equal monthly installments. The Assistant Engineer shall take the place of the Engineer during his absence and shall perform such Engineer of Waterworks. Assistant. Duties.

Salary.

duties as shall be required of him by the Board. He shall receive a salary of not exceeding ten hundred and eighty ($1080) dollars per annum, payable monthly.

SECRETARY OF WATERWORKS AND SEWERAGE.

Secretary of Waterworks and Sewerage —duties.

(k) It shall be the duty of the Secretary of Waterworks and Sewerage to keep regular sets of books for waterworks and sewerage accounts, showing in detail the business transactions of his department, and to report to the Board of Commissioners at the beginning of each month the transactions of the preceding month, including a payroll of its officers, agents and employees, and a correct account of all collections, purchases, expenditures and approved claims entitled to payment. He shall give bond for the faithful performance of his duties in the sum of ten thousand ($10,000) dollars, with two or more good and sufficient sureties, and shall receive a salary of not exceeding fifteen hundred ($1500) dollars per annum, payable monthly.

Bond and salary.

INSPECTOR OF WATER AND SEWERAGE PLUMBING.

Inspector of Waterworks and Sewerage —duties. [Amended Acts 1905.]

(l) The Inspector of Water and Sewerage Plumbing shall have supervision of all waterworks and sewerage plumbing and connections. He shall have authority to enter all premises and inspect such connections, and enforce all regulations of the Board concerning the same. He shall make regular reports, as may be required by the Board. He shall give bond in such sum as may be ordered by the Board, and shall receive a salary not to exceed twelve hundred dollars ($1200) per annum, payable monthly.

Bond and Salary.

SEXTON.

Sexton— duties.

(m) It shall be the duty of the Sexton to exercise a general superintendence over all cemeteries in said city, whether belonging to said city or not. He shall keep a registry of all burials and the location thereof, in said cemetery, of all persons buried within the territorial limits of said city, and keep all walks in

the cemeteries belonging to said city in good condition and free from rubbish, and generally to have charge of the interment of all bodies within said city. He shall perform such other duties as may be required of him by said Board of Commissioners, and shall receive for his services not more than one thousand ($1000) dollars per annum, to be paid in equal monthly installments, and such fees as may be allowed by ordinance.

Salary.

Sec. 20. Said Board of Commissioners shall have full power and authority to establish and maintain a police department, to be composed of a Chief of Police, an Assistant Chief of Police, two sergeants and such number of patrolmen or policemen as such Board may deem necessary, said officers and members of said police department to be appointed, and their compensation and duties to be fixed, defined and regulated as hereinafter provided; and shall also have power and authority to establish and maintain a fire department, to procure fire engines and other apparatus for the extinguishment of fires, and provide engine houses for keeping and preserving the same, and said fire department shall be composed of a Chief of the Fire Department, an Assistant Chief of the Fire Department, and such number of firemen as said Board may deem necessary, the officers and members of said fire department to be appointed and their compensation and duties to be fixed, defined and regulated as hereinafter provided.

Police department; establishment of; Chief of Police —appointment; sergeants; patrolmen.

Fire Department—establishment of. Fire engines procured.

Chief; assistant chief; members and officers—duties; compensation.

At the first meeting of said Board of Commissioners after their qualification, or as soon thereafter as possible, it shall be the duty of the Commissioner who may be selected as Police and Fire Commissioner to prepare and present to the Board of Commissioners in writing his recommendations of persons for appointment, both in said police and fire departments, based on the integrity of character and physical and intellectual capacities of the applicants for such positions; and the said Board of Commissioners shall, upon receiving such recommendations, select therefrom proper persons to fill such positions in the departments respectively as may be by them deemed wise

Duty of Police and Fire Commissioner.

Board to make selection.

Failure to make list of appointments.

and necessary; and upon the failure or refusal of said Police and Fire Commissioner to present said recommendations at the second regular meeting of said Board, it shall thereafter proceed to elect proper persons to fill such positions; **Provided,** however, that so far as it may be practicable and consistent with good order, discipline and improvement of the public service, it shall be the duty of said Police and Fire Commissioner to prefer in recommendations to said Board for appointment to the police and fire departments, respectively, those men who have proved themselves capable, good and efficient in the performance of their duties, and the said Board shall give due weight to such recommendations; **Provided,** however, that the Chief of Police and Chief of the Fire Department shall have the power to temporarily suspend any subordinate officer or member of their departments, respectively, for reasons satisfactory to said Chief of Police or Fire Department, as the case may be, and to appoint some person to discharge the duties of such suspended officer or member until the grounds of such suspension can be inquired into by the Police and Fire Commissioner; and it shall be the duty of the chief in whose department such suspension shall occur to report the same in writing within three (3) days, with the reasons therefor, to the said Police and Fire Commissioner, and also to furnish such suspended officer or member with a copy thereof within like time. Said Police and Fire Commissioner is hereby invested with exclusive jurisdiction to hear and determine any and all charges against any member of the police and fire departments for infractions of discipline, disobedience of orders, incompetency, corruption, malfeasance or nonfeasance in office, for violation of any of the rules or regulations prescribed for the government of said police and fire departments, or for any conduct unbecoming an officer or member of the said departments, respectively; and every officer and member of the police and fire departments shall obey all lawful rules and regulations prescribed by said Board of Commissioners for the government of said police and fire departments on pain of dismissal, or such lighter punishment, either by suspension, reduction or for-

Board to elect when.

Good men of old force preferred.

Suspensions.

Report suspensions.

Copy to suspended officer.

Charges heard by Police and Fire Commissioner.

Rules and Regulations made by Board

feiture of pay, or otherwise, as the said Police and Fire Commissioner may adjudge; **Provided,** however, that all charges or complaints against the Chief of Police or the Chief of the Fire Department shall be heard and determined by said Board of Commissioners as provided in this Act in case of trial before said Board of Commissioners. In case of any charges or complaints made under the provisions of this section against any member of said fire or police departments within the jurisdiction of the Police and Fire Commissioner, he shall have the power to administer oaths to summon and compel the attendance of witnesses before him, and to examine such witnesses upon any matter where it may be necessary to the discharge of his duties.

Charges against Chiefs.

Police and Fire Commissioner may administer oaths, Summon witnesses.

The Chief of Police shall attend upon the court which may be designated by law for the trial of offenses arising under this Act, under any ordinance, rule or regulation enacted by the Board of Commissioners pursuant to this Act, and shall promptly and faithfully execute all writs and process issuing from said court. He shall be the chief police officer of said city and shall have like power with the sheriff of the county to execute the writ of search warrant. He shall be active in quelling riots, disorders and disturbances of the peace within the limits of the said city, and shall take into custody all persons so offending against the public peace, and shall have the authority to take suitable and sufficient bail for the appearance before said court of any person charged with an offense within the jurisdiction of said court; and it shall be his duty to arrest all persons who shall obstruct or interfere with him in the execution of the duties of his office, or who shall be guilty of disorderly conduct, or any disturbance whatever. To prevent a breach of the peace, or to preserve quiet and good order, he shall have authority to close any theater, barroom, ballroom, drinking house or any other place or building of public resort, and in the prevention and suppression of crime and the arrest of offenders within said city, he shall have, possess and execute like power, authority and jurisdiction as the sheriff of a county under the laws of this

Chief of Police to attend court.

Execute process.

Like power of Sheriff.

Quell riots, disturbances, etc.

Take bail.

Arrest disturbers of peace.

Close theaters, barrooms, etc.

Other duties; bond; salary.

State. He shall receive a salary of not exceeding fifteen hundred ($1500) dollars per annum. He shall give such bond for the faithful performance of his duties, and perform such other duties, and possess such other powers, rights and authority, in addition to those herein provided, as the Board of Commissioners may require and confer upon him, not inconsistent with the Constitution and laws of this State and the provisions of this Act. In case of the absence, sickness or inability to act, of the Chief of Police, said Police and Fire Commissioner shall have the power, and it shall be his duty, to designate some other member of said police department as Acting Chief of Police during the period of such absence, sickness or inability to act of said Chief of Police.

Acting Chief of Police; appointment of.

Fire Chief—duties, powers.

The Chief of the Fire Department shall be charged with the duty of superintending and directing the extinguishing of fires and preservation and safe-keeping of all fire engines, hose and other apparatus used in connection therewith; he shall have the power, and it is hereby made his duty, to keep away from the vicinity of any fire all idle, disorderly and suspicious persons, and to compel all officers of the city and all other persons to aid in the extinguishment of fires and the preservation of property exposed to danger thereat, and in preventing goods from being stolen, and generally to carry out and enforce such regulations for the prevention and extinguishment of fires as may be by said Board of Commissioners deemed expedient.

Assistant Fire Chief; salary.

The Assistant Chief of the Fire Department shall receive as compensation for his services the sum of not exceeding twelve hundred ($1200) dollars per annum. The Assistant Chief of Police shall receive as compensation for his services the sum of not exceeding twelve hundred ($1200) dollars per annum; **Provided,** however, that neither the Assistant Chief of the Fire Department nor the Assistant Chief of Police shall be appointed unless deemed necessary by the Board of Commissioners.

Assistant Chief of Police; salary. Proviso.

Salary.

Sec. 20 (a). The Chief of the Fire Department of the City of Galveston shall receive as compensation for his services a

sum not exceeding eighteen hundred ($1800) dollars per annum, as may be fixed by the Board of Commissioners. And so much of Secton 20 of said Charter of the City of Galveston as fixes the salary of the Chief of the Fire Department at $1500 per annum is hereby repealed, and the Captains of Engine Houses shall each receive a salary of ninety ($90) dollars per month; the hosemen, truckmen, tillermen, drivers and firemen in the service of the Fire Department shall receive a salary of seventy ($70) dollars per month, the engineers in the service of the Fire Department shall receive a salary of ninety ($90) dollars per month.

Captains of Engine houses Salary.

Firemen, etc. Salary.

Engineers in Fire Department. Salary.

Sec. 21. Said Board of Commissioners shall have power from time to time to require further and other duties of all officers whose duties are herein prescribed, and to define and prescribe the powers and duties of all officers elected to any office under this Act whose duties are not herein specially mentioned, and to fix their compensation when not herein fixed. They shall also require bonds to be given to said city by all officers for the faithful performance of their duties, and shall require a new bond from any officer whenever in the judgment of said Board the existing bond is insufficient, and whenever such new bond is required he shall perform no official act until said bond shall be given and approved. The Board of Commissioners shall provide for the filling of vacancies in all offices not herein provided for, and in all cases of vacancy the same shall be filled only for the unexpired term.

Officers—further and other duties may be prescribed.

Compensation of, fixed by Board.

All officers to give bonds.

New bonds.

Vacancies.

Sec. 22. The present Board of Commissioners, officers and employees of said City of Galveston shall continue in office and in the exercise of their functions until the Mayor and Commissioners provided for herein are elected as herein provided and have qualified and shall otherwise provide. And all acts done or to be done, and proceedings taken or had or to be taken, or had by or under authority of said present Board of Commissioners in pursuance of or in compliance with said Act of the Legislature, approved April 18, 1901, or this Act, are hereby

Old Board and officers continued.

Acts validated.

validated and confirmed to all intents and purposes as though no question had ever been made concerning the authority of said present Board of Commissioners.

Ordinances continued in force.

Sec. 23. All ordinances, regulations or resolutions now in force in the City of Galveston, and not in conflict with this act, shall remain in force under this Act until altered, modified or repealed by the Board of Commissioners herein provided for.

Sec. 24. The day sergeant and the night sergeant of the police force of the City of Galveston, the linemen in the Waterworks Department in said City, the foreman of the Sewer Department of said City, the day engineer and the night engineer in the Waterworks Department at Alta Loma shall each receive a salary not to exceed ninety ($90.00) dollars per month. Except as herein or by this Charter provided, no salary shall exceed

No salary to exceed $900.

nine hundred ($900.00) dollars per annum for any office or employment which said Board of Commissioners are authorized to create under the provisions hereof, and no officer shall receive

Fees prohibited, except.

fees or commissions except as herein provided or as may be ordered by the Board of Commissioners; and any officer appointed or elected by the Board may be required by said Board, in consideration of the salary paid him, to collect and

Fees paid to city.

pay over to and for account of the City all fees to which he may be entitled, whether under the general law, this Charter, or any order of said Board of Commissioners. And said Board of Commissioners shall also have the right to appoint a City

City Electrician; salary.

Electrician at a salary not to exceed one hundred ($100.00) dollars per month, who shall perform all such duties as may be required and prescribed by said Board of Commissioners; **Provided,** that the City Commission may combine said office of City Electrician and the office of Superintendent of the Electric Light Plant, at a salary not to exceed one hundred and twenty-five ($125.00) dollars per month.

Terms of office.

Sec. 25. The duration of all offices created by this Act, or by any ordinance pursuant to this Act passed by the Board of Commissioners of said city, shall never exceed two years; **Provided,** nevertheless, that the incumbent of any such office shall continue to perform the duties thereof until his successor is duly qualified. In case of vacancy in the Board of Commissioners of said city, such vacancy shall be filled in the manner provided in Section 10 of this Act for the unexpired term, and in case of vacancy in any other office in said city the Board of Commissioners thereof shall fill such vacancy for the unexpired term.

Vacancies, how filled.

Officers to attend meetings of Board.

Sec. 26. The Health Physician, Attorney, Engineer, Auditor and Chiefs of Police and Fire Departments shall attend all regular meetings of the Board of Commissioners and any special meeting of said Board at which their presence may be requested by any member of the Board. They shall have the privilege of participating in the discussion of matters relating to their respective departments, but shall have no vote.

Official bonds —how payable.

Sec. 27. All official bonds required under this Act, except the bonds of the members of the Board of Commissioners, shall be made payable to the City of Galveston, and shall be in such form and with such sureties as the Board of Commissioners may prescribe.

City not to give bond in judicial proceedings.

Sec. 28. It shall not be necessary in any action, suit or proceeding of any kind in which the City of Galveston is a party, for any bond, undertaking or security to be executed by or in behalf of said city, but all such actions, suits, appeals or proceedings shall be conducted in the same manner as if such bond, undertaking or security had been given, and said city shall be liable to the same extent as if they had been duly given and executed.

Board to create or discontinue offices.

Sec. 29. The Board of Commissioners shall have authority from time to time to create and fill and discontinue offices and employments other than herein prescribed according to their

Remove officers.

Fix compensation of.

All officers qualified voters.

judgment of the needs and requirements of the city, and in their discretion, by a majority vote of all the members of the Board; to remove, for or without cause, the incumbent of any such office or employment, and may, by order or otherwise, prescribe, limit or change the compensation of such officers or employees. All officers of the city shall at the date of their appointment be qualified voters of the City of Galveston.

Officers sick or absent, substitute for.

Sec. 30. In case of sickness or absence or inability from any cause on the part of any official to perform his duties, the Board of Commissioners may provide for the performance of such duties by a temporary substitute of such officer, or otherwise, as they may deem best, and the acts performed by such substitute or otherwise, as said Board may direct, shall be deemed as valid for all intents and purposes as though performed by the said official himself.

Breaches of duty of city officials; liability.

Sec. 31. All of the officials of said city charged with disbursing, safe-keeping or performing any other acts touching the taxes or other revenues of said city now due or that may hereafter become due, shall be liable for any and all breaches of duty touching the same, as are the State and county officials in regard to like services and acts, and may be proceeded against criminally and civilly in the same way. It shall be the duty of the District Attorney of the district in which said City of Galveston is situated to enforce all such remedies, civilly and criminally, just as in the case of State officers; **Provided,** that nothing in this section shall impair the jurisdiction of the Board of Commissioners in respect to such offenses, as provided in this Act, but all such remedies shall be deemed and held to be cumulative.

District Attorney to prosecute.

Right of Board to deal with.

Officers—removal of for incompetency, etc.

Sec. 32. The Board of Commissioners shall have the power to remove any officer for incompetency, inefficiency, corruption, mal-conduct, malfeasance, or non-feasance in office, or such other causes as may be prescribed by ordinance after due notice in writing, and opportunity to be heard in his defense, under the rules and regulations hereinafter set forth. That whenever

charges are preferred in writing under oath, and filed with the President of said Board by any person against any such officer for any or all of the offenses named or provided for as above, it shall be his duty to have the accused duly served with a copy of such charges and shall set a day to inquire into the truth of such charges, and shall notify the accused and the other members of the said Board, and the witnesses for and against the accused, to be present, and the said Board of Commissioners shall constitute a Court to try and determine said case and they are hereby invested with exclusive jurisdiction to hear and determine said charges, and may continue the investigation from day to day, upon proper showing, to enable the accused or prosecutor to get material evidences before said Board. The accused shall have the right to be heard in person or by counsel, and said Board shall likewise be represented by counsel, if they desire it. Upon the conclusion of the investigation and argument of the case, a vote shall be taken on each charge and specification, and if a majority of all members of said Board vote to sustain either of the charges against the accused, said Board shall enter or cause to be entered its judgment in which shall be recorded the vote of each member of the Board upon the several charges and specifications, and an order shall be entered removing the accused from his office and declaring the same vacant. But if the vote is otherwise, the accused shall be declared "not guilty," and judgment entered accordingly.

Notice to accused.

Board to try charges.

Accused entitled to counsel.

Vote on charges.

Judgment entered.

Sec. 33. The hospital in said city known as the "John Sealy Hospital," shall, so long as the same is under lease from the State to the city, be under the exclusive control of a board of managers to be known as the "John Sealy Hospital Board," and to consist of five members to be chosen or appointed as hereinafter provided every two years, and within thirty days after the installation of each new Board of Commissioners. Two of the members of the said hospital board shall be selected from said Board of Commissioners, two to be named or selected

John Sealy Hospital.

Hospital Board —term of office

Appointment of.

by the Board of Regents of the University of the State, and the fifth member to be named or selected by these four; **Provided,** however, that all members of said John Sealy Hospital Board shall be resident citizens of said City of Galveston, and **Provided** further, that in case a majority of said four cannot agree upon the fifth member, then such fifth member shall be named or designated by the President of the Board of Commissioners.

Hospital employes—selection and discharge of; salaries and duties.

The said John Sealy Hospital Board shall have the exclusive right to appoint the house surgeon, steward, matron, nurses and such other subordinate officers and employees of said hospital as may be required for properly carrying on or conducting the same; to designate the duties of such subordinate officers and employees; to determine their salary and compensation, and change the same, and to suspend or discharge them; **Provided** always, that the said hospital board shall in no event exceed in any one year in their expenditures the annual allowance set apart by the Board of Commissioners for defraying the expenses thereof; and the said Board of Commissioners, as long as said hospital is under lease from the State to the said city, or is in any way responsible for such expenses, shall have the exclusive right to determine and regulate the amount to be expended in carrying on or in conducting the said hospital.

Amonut expended, fixed by City Commissioners.

Rules and regulations.

The said John Sealy Hospital Board shall have the exclusive right to prescribe rules and regulations for the management and conduct of the hospital, and shall have the exclusive management and control of its internal government.

Health Physician to designate charity patients.

The Health Physician of said city shall have the sole and exclusive right and authority, whilst the city is such lessee, to determine and designate what person or persons may be admitted as charity patients into said hospital.

Pay patients.

Patients who pay for hospital services rendered them may, however, be received into said hospital under rules and regulations to be prescribed by said Hospital Board; **Provided,** always, that applications for admittance into said hospital for treatment as charity patients, with written permits to that effect signed by the Health Physician

Charity patients first right.

of the City of Galveston, shall have precedence over all others applying for admittance therein.

Finances controlled by City Commissioners.

The financial affairs of said hospital, so long as the City of Galveston is such lessee, shall be under the exclusive control of said Board of Commissioners, and the said Hospital Board shall furnish to the said Board of Commissioners, at its regular meeting in February of each year during said lease, an itemized statement or estimate of the various officers and assistants and the nurses and other employees and their salaries and wages, and the nature and amount of all other expenses necessary to the proper management and maintenance of said hospital for the twelve months next thereafter ensuing, which statement or estimate shall be subject to revision, alteration, modification and reduction by said Board of Commissioners, and no expense or liability not provided for in said estimate or statement as finally approved and adopted by said Board of Commissioners, and no expense or liability not provided for in said estimate or statement as finally approved and adopted by said Board of Commissioners, shall be incurred by said Hospital Board, or any subordinate in the management of said hospital, unless the approval of the Board of Commissioners in that regard shall have first been obtained. All moneys or revenues arising from hospital service in said institution during such lease shall, as collected, be paid into the city treasury as a part of the revenue of said city. The said Hospital Board shall keep and preserve or cause to be kept and preserved, in well-bound books, accurate minutes of its meetings and proceedings; also, in like manner a roster of all physicians and surgeons, and all officers, employees and internes of said hospital, and in what capacity serving, with dates of entering service and of discharge therefrom, length of time employed and salaries and wages allowed; and also a hospital register, showing name, age, sex, nationality and residence of each and every person admitted as a patient, disease at the date of admittance or supervening while in hospital,

Annual estimate of expenses and employes, etc.

Subject to approval by City Commissioners.

Moneys collected, paid to City Treasurer.

Minutes of Hospital Board.

Record of employes, expenditures, etc., showing what.

Hospital register.

dates of admittance, dates of discharge or death of all patients admitted into said hospital for treatment, the authority for the admittance of each patient, and the rate charged each and every pay patient. And the house surgeon or other officer in charge of said hospital shall keep, or cause to be kept, in well-bound books, correct and accurate accounts of all receipts and disbursements for account of said hospital, and shall render, under oath, to the said Board of Commissioners, through the said Hospital Board, monthly reports or statements showing, for the month then ending, all receipts and disbursements, with proper voucher; also the number and names of all patients received, the respective dates of admittance, and whether charity patients or pay patients; the number and names of all patients that have been discharged or have died during the month; the disposition made of the bodies of all patients who have died during the month, and the names of all officers and employees, in what capacity serving, and what salary or wages respectively.

Monthly reports under oath.

Medical staff.

The medical staff of the John Sealy Hospital shall be constituted of the house surgeon, to be selected as above provided, and during said lease compensated by the city, of the visiting physicians and surgeons to be designated by the Board of Regents of the University of the State of Texas from the faculty of the medical department thereof, but who are to receive no compensation from the city for their services, and of two or more students from the medical branch of said University to serve as internes and to be selected by said Board of Regents, the number and duties of the internes to be determined by said hospital board, and said internes to receive for their services only their board and lodging in said hospital. The officers in charge of said hospital shall at all times admit for the purpose of inspection any member of the Board of Commissioners, or any person charged with the duty of visiting or inspecting said hospital, and in like manner the Regents of the said University or their authorized agents. All the members of said Hospital Board, as also the house surgeon, shall, before entering

Board of Regents to appoint.

Compensation.

City Commissioners' right to inspect

Qualification of Hospital officers.

upon their respective duties, take the oath of office as prescribed by the Constitution of the State of Texas.

Sec. 34. That the local government established by this Act shall have power to license, tax, regulate and prescribe the location of all places within the corporate limits of the City of Galveston, wherein spirituous, vinous, malt liquors or medicated bitters capable of producing intoxication are kept for sale.

General powers of local government.

Location of saloons, etc.

(a) To do all acts and make and enforce all laws or regulations which may be necessary and proper for the preservation and promotion of the health of the city or the suppression and exclusion of disease, and to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and to enforce them within the city and within ten (10) miles thereof.

Pass sanitary laws.

Enforce quarantine.

(b) To control, open, close, alter, widen, extend, construct, establish, maintain, regulate, grade, cleanse, pave and otherwise improve, embellish and ornament the streets, alleys, highways, sidewalks and public grounds and places in said city; put drains and sewers therein; provide for and regulate the lighting thereof; regulate, control, license, prevent, prohibit and suppress the opening thereof; the digging therein, the interference therewith, and the placing therein of pipes, poles, wires, fixtures and appliances of every kind, whether on, above or beneath the surface thereof; to regulate and control the use thereof by any and all persons, animals and vehicles in whatever way and for whatever purpose; to prevent, abate and remove encroachments, obstructions, pollutions or litter therein; to open new streets and highways when necessary and generally to make and enforce any and all regulations in respect thereof in the judgment of the Board requisite, proper or expedient to promote and insure the health, safety and convenience of the inhabitants and public; and whenever streets or sidewalks shall be improved by said Board they may charge against the premises abutting on such improved streets or sidewalks, and against the owner thereof, so much of the cost of such

Improve streets and highways.

Drains and sewers.

Lighting.

Prevent obstructions in streets.

Regulate use of streets; abate encroachments, etc.

Open new streets.

Cost of street, alley and sidewalk improvement charged against abutting property.

improvements as may be equivalent to the benefits to and increased value of said property caused thereby, to be ascertained as said Board of Commissioners may direct, and any charge or assessment allowed under this clause shall be a lien on said abutting premises, enforceable in any court of competent jurisdiction. The cost and expense of the betterment, improvement, paving, grading, filling or maintenance of any of the alleys of the City of Galveston shall be defrayed by the owners of the abutting lots or property, but no such alley shall be closed or changed except by the consent of all the owners of the abutting lots thereon and the Board of Commissioners of the City of Galveston. And the City of Galveston shall always have the right to use said alleys for the laying and construction of water and sewer pipes and mains, and the laying and construction of drains and electric light wires, telephone wires and fire alarm wires, and to authorize the laying of electric light and telephone wires and to place electric light and telephone poles thereon by any person or corporation authorized by said city to do so; **Provided,** that this enactment shall in no wise interfere with or affect the grading and raising of said alleys as now provided for in that portion of the City of Galveston included within the contract between the City of Galveston and Goedhart & Bates, grade raising contractors.

Alleys to be improved at cost of abutting property owners.

Alley not to be closed except.

City to have right to use alleys for laying sewers, etc.

Not to interfere with contract of Goedhart & Bates for filling alleys.

(c) To regulate, establish and alter the grade of premises and to require the filling up and raising of the same to such grade at the cost of the owner, or cause the same to be done at his or her expense, in which event the cost of so filling and raising of said premises shall be assessed against the same and against the owner thereof and shall be a lien on said premises, enforceable in any court of competent jurisdiction.

Regulate grade raising, etc., of premises.

Cost charged to owner; a lien.

(d) To erect and establish hospitals, and control and regulate the same.

Hospitals—establish and regulate.

(e) To regulate the use of streets, alleys, highways, public grounds and places, and prevent and suppress immoderate

Streets—regulate driving on and use of by animals, etc.

riding and driving, and to regulate, prevent or suppress the leaving or standing or going at large therein of vehicles, horses, dogs, cattle and all other animals or fowls.

Animals—abuse of.

(f) To prohibit and punish the abuse of animals.

Vagrants and disorderly persons—arrest of, etc.

(g) To restrain and punish vagrants, mendicants, beggars, tramps, prostitutes, drunken or disorderly persons within said city, and to provide for the arrest and punishment of the same by fine or otherwise.

Arrest of offenders; confinement; appearance bond.

(h) To arrest and confine for trial, or take bond for the appearance at trial, of all persons charged with offenses which are punished as misdemeanors by the laws of the State of Texas or said local government.

Party walls, partition fences, fire walls, flues, etc.

(i) To regulate the building, maintenance and use of party walls, partition fences, parapet and fire walls, smoke flues, hot air flues, smokestacks, fireplaces of all sorts and all appliances therewith connected; to require, provide, fix and regulate the inspection, safe construction, repair and maintenance of all public or private buildings; to regulate, restrain or prohibit the constructing, placing, moving or repairing of wooden or frame buildings, or structures of any kind within the limits of said city or any part thereof, and to regulate, define and describe building materials that may or may not be used in the building or repairing of the structures of whatever sort in said city or any part thereof; to require or provide for the taking down and removal, by the city or by the owner, and at the expense of the owner, of buildings, walls, or structures of any kind that are or may become dangerous, and generally to make and enforce any and all regulations concerning buildings and building materials requisite, necessary or proper to protect said city or any part thereof from fire and to protect the health and safety of the inhabitants; and to declare all wooden buildings in the fire limits which they deem dangerous to contiguous buildings, or in causing or promoting fires, to be nuisances, and require or cause the same to be removed in such manner

Buildings—construction and repair of, regulated.

Wooden buildings—removal and repair of.

Prescribe material to be used in buildings.

Dangerous structures—nuisances; removal and repair of; cost of charged to owner.

Buildings—regulation as to, generally.

Prevent fires.

Cost of removal, etc., charged to owner.

Lien for.

and at the expense of the owner, and generally to establish such regulations for the prevention and extinguishment of fires as said Board of Commissioners may deem expedient; and any and all costs and expense incurred by the city in the removal or destruction of any structure for any of the purposes aforesaid shall, under such regulations as the Board may prescribe, be collected of the owner, and be secured by lien on the land whereon the same is or was situated.

Paupers and persons with contagious diseases excluded.

(j) To prohibit and punish by fine the introduction into the city by steamboats, railroads or other carriers of paupers or persons afflicted with contagious diseases.

Disorderly and gambling houses, etc., regulated and prohibited.

Nuisances—define and regulate.

Slaughter houses, curing green hides, etc., regulated and prohibited.

Cows in city.

(k) To regulate, control and suppress, by adequate and appropriate regulations and penalties, disorderly houses and houses of prostitution or ill-fame, houses of assignation and gaming houses in said city or any part thereof, and to punish gaming as provided by the Penal Code of the State of Texas; to define nuisances, and by adequate penalties to prevent and abate or require or cause the abatement and removal of all nuisances within the city, and for a distance of five miles outside of the same, at the cost of the person or persons responsible therefor; to prohibit the erection of houses for curing green hides, or slaughter pens, or factories and all houses of like character within certain limits in said city or any part thereof or within five (5) miles thereof; and said local government shall have the power, and it is hereby made their duty, to limit by an ordinance or ordinances having effective penalties the number of head of cattle, not to exceed three in number, which may be kept on each city lot, or territory of similar area in said city.

Yards—cleaning of, regulated.

Trash in streets, etc., prohibited.

(l) To provide and require that the city be kept in a clean and healthy condition, and that all yards and premises in the city are cleaned daily and so kept by the owner or occupant thereof at his own expense, and to prohibit, by proper laws and penalties, every such owner or occupant or any other person

from throwing or putting any trash or improper material in the streets, alleys or sidewalks, except for the purpose of removal; to require all owners or occupants of yards or premises to daily deposit all waste and unsanitary material in the street nearby, or elsewhere as may be prescribed by the Board, in some suitable vessel to be provided by such owner or occupant at his or her own expense, to be carried off by the public carts, or by or at the expense of such owner or occupant as said Board may provide.

Waste matter —deposit for removal.

(m) To regulate and control plumbers and plumbing works, and to enforce efficiency of the same.

Plumbing regulated.

(n) To direct, control and prohibit the keeping and management of houses or any building for the storing of gunpowder and other combustible, explosive or dangerous materials within the city, and to regulate the keeping and conveying of the same, and to authorize and regulate the laying of pipes, and the location and construction of tanks, reservoirs and pumping stations for the storage and conveyance of oil and gas.

Gunpowder, etc., keeping, etc., of, regulated.

Oil and gas—keeping, etc., of, regulated.

(o) To regulate, restrain, prohibit or prevent the use of firecrackers or other explosives or fireworks, and all noises, amusements or other practices or performances tending to annoy persons or frighten horses or teams, or to the collection of persons on the streets or sidewalks or other public places, whether for purposes of amusement, business, curiosity or otherwise.

Noises, explosions, fireworks, etc., regulated.

(p) To direct and control the laying of railroad tracks, turnouts and switches, or to prohibit the same in the streets, avenues and alleys, unless the same shall have been authorized by ordinance; to require that all railroads, turnouts and switches shall be so constructed as not to interfere with the drainage of the city, and as little as possible with the ordinary travel and use of streets, avenues and alleys, and that sufficient space shall be left on either side of said track for the safe and convenient passage of persons, teams, carriages and other vehicles, and to construct and keep in repair suitable

Railroad tracks regulated or prohibited.

Crossings at intersections.

crossings at the intersections of streets, avenues and alleys and ditches, sewers and culverts when the said Commissioners shall deem it necessary, and to direct the use and regulate the speed of locomotive engines within said city.

Speed of locomotives regulated.

Street railroads regulated.

(q) To make all suitable and proper regulations in regard to the use of the streets for street cars, and to regulate the running and operation of the same so as to prevent injury or inconvenience to the public, and from time to time to prescribe reasonable fares and transfers in the carriage of passengers.

Fares regulated.

Waterworks and sewerage —construction of.

Public wells, hydrants, etc.

(r) To provide, construct, establish, maintain, operate and regulate in said city a system of sewerage and of waterworks for fire and other purposes; to make, regulate and establish public wells, pumps, cisterns, hydrants and reservoirs in the streets or elsewhere within said city, or beyond the limits thereof, for the extinguishment of fires and the convenience and health of the inhabitants thereof, and to prevent the unnecessary waste of water or any injury to said waterworks, and to pass ordinances for the condemnation of property for the purpose of establishing, enlarging or maintaining a system of waterworks whether within or without the limits of such city, conforming the mode and manner of the same to the rules now prescribed for cities and towns by the general laws of the State for the condemnation of property for the construction of waterworks and of sewers or sewerage systems; to adopt rules and regulations for the management of the waterworks and sewerage systems; and make and establish a schedule of water and sewer rates and tolls, and prescribe the mode and manner of the construction of the surface pipes, alley laterals and house connections with the water-mains and sewer-pipes.

Protect waterworks.

Right of way for; condemnation.

Rules and regulations for waterworks and sewerage.

Water and sewer rates.

Connections.

Water closets, sinks, etc., to be connected with sewer.

(s) To require all owners, tenants and occupants of improved property which may be located upon or near any street or alley along which may extend any sewer or system of sewerage that the said city may construct, own or control,

or that it may acquire by purchase or otherwise, to connect with such sewer or system of sewerage all water-closets, sinks or drains located upon their respective properties or premises so that their contents may be made to empty into such sewer or system of sewerage, whether said system is constructed by said city or is acquired by it by purchase or otherwise; **Provided,** that whenever any tenant or occupant shall be required under any ordinance of the city to make sewer connections, or to do any other thing which the Board of Commissioners has the power to compel the performance, such tenant or occupant shall have a lien upon the property occupied for reimbursement and reasonable attorney's fees, if the primary obligation to do the same was on the landlord; said lien to be enforced by competent proceedings in any court of competent jurisdiction, and the tenant or occupant may, when so entitled under the general principles of set-off, use such claim against his liability for rent.

Lien for connections made by tenant.

(t) To condemn as nuisances all buildings, cisterns, wells, privies and other erections in the city, which, on inspection, shall be found to be unhealthy, unsanitary or dangerous to persons or property, and cause the same to be abated or removed at the expense of the owner, unless the owner thereof at his or her own expense, upon notice, and with the sanction and authority of the Board, shall reconstruct the same in such manner as shall be prescribed by the laws of the city; and as to all buildings, cisterns, wells, privies and other private improvements to be constructed in future, they shall have the power, and it shall be their duty, to have the same so constructed as not to interfere with the health of persons, or the safety of persons or property within the city.

Unsanitary nuisances—abatement of.

Buildings, cisterns, privies, etc.,—construction of, regulated.

(u) To regulate and determine the mode of inspecting and vending of milk and milk products, flesh, meats, fish, fruits, vegetables and other provisions and to prohibit the sale of any tainted or unwholesome meats, fish, fruit, vegetables or other provisions or any milk adulterated with water or

Keeping and sale of fresh meats, fruits, etc., regulated.

Butchers and markets regulated.

anything whatsoever not constituting a part of pure milk, and to make such rules and regulations in relation to butchers as they may deem necessary and proper, to establish and erect markets and market houses, and designate, control and regulate market places and privileges, and to provide a system

Milk inspection.

for the inspection of milk and milk products, and to prohibit the sale of all milk and milk products unless the party offering the same for disposition or sale shall have complied with any and all regulations made by said Board of Commissioners with respect thereto, and to prohibit the vending and disposition of milk or milk products within the limits of the City of Galveston unless the party desiring to vend or dispose of such milk or milk products shall have secured or obtained from the Health Physician of the City of Galveston a permit

Permit to sell milk.

so to do, under such regulations as the Board of Commissioners of said City may from time to time provide.

Public buildings—erection and repair of.

(v) To erect and repair all necessary public buildings.

Accept money donations.

(w) To accept any money or property for the purpose of any public or corporate use.

Special funds created.

(x) To provide by ordinance special funds for special purposes, and to make the same disbursable only for that purpose for which the fund was created, and any officer of said city misapplying said special fund shall be deemed guilty of malfeasance in office and shall, on complaint of any one interested

Misapplication of, punished.

in said fund so misapplied, or any taxpayer of said city, be removed therefrom and shall be incapable thereafter to hold any office in said city, and shall, on conviction before any court of competent jurisdiction, be fined in a sum not exceeding five thousand ($5000) dollars and be imprisoned in the county jail not exceeding six (6) months.

Concealed weapons.

(y) To regulate the carrying of weapons and to prevent the carrying of the same concealed.

Licenses—issuance of, regulated.

(z) To authorize the proper officer of said city to grant and issue licenses and to direct the manner of issuing and

the registering thereof, and the fees and charges to be paid therefor; **Provided,** that no license shall be issued for a longer period than one year, and shall not be assignable except by permission of the Board of Commissioners.

Public pounds establishment of.

(aa) To establish and regulate public pounds, and to regulate, restrain and prohibit the running or going at large of horses, mules, cattle, sheep, swine, goats, geese, chickens, pigeons and all other animals, fowls and birds of whatever description, and to authorize the distraining, impounding and sale of the same for the cost of the proceeding and the penalty incurred, and to order their destruction when they can not be sold, and to impose penalties on the owners or keepers thereof for violation of any ordinance or regulation in relation thereto, and to prevent, regulate and control the driving of cattle, horses and all other animals into or through the city.

Horses, animals, birds, etc., running at large.

Driving animals through streets.

Licensing dogs, other animals, birds, fowls, etc.

(bb) To license and tax dogs and other animals, fowls and birds; and regulate, restrain or prohibit their running at large, and to authorize and require their destruction when kept or allowed to go at large contrary to ordinance or regulation, and to punish by fine the owners and keepers thereof for violation of or failure to observe any ordinance or regulation concerning the same.

Cemeteries—burial of dead.

(cc) To establish, maintain and regulate cemeteries and to regulate the burial of the dead and the registrations of deaths, marriages and births. No person shall be buried without a certificate of the physician of post-mortem examination or after a coroner's inquest.

Ordinances—violation of, punishment.

(dd) To prevent and punish violations of the ordinances by fines, penalties and imprisonment; but no fine or penalty shall exceed two hundred ($200) dollars, nor the imprisonment more than three months, for any offense, unless a larger fine and longer period of imprisonment is herein allowed; and to compel and force all offenders against any ordinance of the city found guilty by any court of competent jurisdic-

tion and sentenced by it to imprisonment to labor on the streets and alleys of said city, or on any public works thereof, under such regulations as the Board may make and establish.

Riots, noises, disorderly conduct, etc., suppression of.

(ee) To provide for the suppression and prevention of any riot, rout, affray, noise, disturbance or disorderly assembly or conduct in any public or private place within the city, to prevent all trespasses, breaches of the peace and good order, assaults, assaults and batteries, fighting, quarreling, using abusive and insulting language and misdemeanors, and to punish persons thus offending.

Prize fighting, cock and dog fighting, punished.

(ff) To prevent prize fighting, cock and dog fighting, and to punish all persons guilty thereof.

Theaters, circuses, shows, etc., licensed; regulated; prohibited.

(gg) To license, tax, regulate or prohibit theaters, circuses, the exhibition of showmen and shows of any kind, and the exhibition of natural or artificial curiosities, caravans, menageries and musical exhibitions and performances.

Pension fund for policemen and firemen.

(hh) To create and administer a special fund for the relief of indigent and helpless members of the police and fire departments who have become superannuated or otherwise disabled in such service, and receive donations and bequests in aid of such fund, and provide for its permanence and increase, and to prescribe and regulate the conditions under which, and the extent to which, the same shall be used for purposes of such relief. Said Board may require monthly contributions by the members of the police and fire departments from their compensations and appropriate a percentage of the annual surplus of revenue over expenses of the city for that purpose.

Condemnation for streets, drains, and sewers, and other public purposes. [Amended, Acts 1905.]

Sec. 35. To pass ordinances for the condemnation of property for the purpose of opening the streets of the city, and for the construction and maintenance of drains, sewers, and combination drains and sewers, and other public purposes, conforming the mode and manner of such condemnation to the rules prescribed for cities and towns by the general laws of the State, and to prohibit or remove, at the expense of the owner thereof, all buildings or structures on the shores or in

the waters within the limits of the city where the same are not permitted or authorized by law; to define nuisances, and by adequate penalties to prevent or abate, or upon reasonable notice, which in case of a non-resident may be made through the mails or by publication in a newspaper, to require or cause the abatement and removal of all nuisances within the city, and for a distance of five miles outside of the same, at the cost and expense of the person or persons responsible therefor, or who may own, occupy or control the premises on which said nuisances exist, and the cost and expense of removing or abating said nuisances from such premises shall be assessed against the same and against the owner thereof, and shall be a lien on said premises and enforceable in any court of competent jurisdiction; and said Board of Commissioners shall have full power to pass and adopt all such ordinances as may be necessary or proper to make effective and enforce the provisions and requirements herein expressed.

Removal of buildings unauthorized on shores and waters.

Nuisances—abatement of.

Notice to owners.

Cost of, charge on property.

Sec. 36. To prevent any person from bringing, depositing or having within the limits of said city any dead carcass or other offensive or unwholesome substance or matter, and to require the removal or destruction by any person who shall have placed, or cause the same to be placed, upon or near his premises or elsewhere, of any substance or matter, filth or any putrid or unsound beef, pork or fish, hides or skins of any kind, and on his default, then at his expense, to authorize the removal or destruction thereof by some officer of the city, and require the owner of any dead animal to remove the same to such place as may be designated.

Dead carcass and other unwholesome matters—removal of.

Sec. 37. The said Board of Commissioners shall have the power to do any and all acts necessary to preserve the harbor and dredge out, widen or deepen the channel of the harbor of the City of Galveston, to prevent any use of the same or any act in relation thereto inconsistent with the public health, or calculated to render the waters of the same, or any part thereof, impure or offensive, or tending in any degree to fill

Harbor and channel—dredging, cleansing, protection of.

Wharves—to erect and regulate erection of.

Public property—to fill and improve; use of, regulated.

Channel and harbor—protection of.

up or obstruct the said channel; and to prevent and punish the casting, throwing or depositing therein of any stone, shell or other substance, logs or floating matter, and to prevent and remove all obstructions therein and to punish the authors thereof. It shall also have the power to erect and to regulate the erection of wharves fronting the channel, or their extension in such manner as may be by it deemed for the public interest, to fill or cause to be filled or otherwise improved any property belonging to said City of Galveston, or under its control, and to do any and all acts necessary and proper to promote the use and availability of such property for the purposes of commerce and in aid of the preservation and protection of the said harbor of Galveston and the channel therein.

Deep water—to procure; appropriations

Sec. 38. The Board of Commissioners shall have power to promote and secure the obtaining and maintenance of deep water in the harbor of Galveston and from said harbor into the Gulf of Mexico, and to that end may appoint and employ such agent or agents as they may deem necessary or expedient and appropriate and expend any sum of money not exceeding three thousand ($3000) dollars per annum.

Hawkers, peddlers, pawnbrokers, etc.—licensed; prohibited; regulated.

Dealers in bankrupt stocks—same.

Licensing generally.

Sec. 39. To license, tax, regulate, suppress and prevent hawkers, peddlers, pawnbrokers and dealers in all kinds of junk and second-hand goods, wares and merchandise, itinerant or transient vendors of clothing or wearing apparel, articles of bedding or merchandise of any description whatever, dealers in bankrupt or fire stocks or damaged stocks of any kind, or any other business or occupation which in the opinion of said Board shall be the proper subject of police regulation.

Bathing and swimming regulated. [Amended Acts 1905.]

Buildings, etc., on beach.

Sec. 40. The Board of Commissioners shall have power to regulate and determine the time and place of bathing and swimming in the waters adjoining or within said city and to prevent any obscene or indecent exposition, exposure or conduct; to regulate by general ordinance the character and construction, and prohibit the use for any improper or unlawful purpose of bath houses, pavilions, restaurants, fishing piers

and other structures in the waters adjacent to the beach of the city; to regulate the construction of approaches to such structures so as to not unreasonably obstruct or interfere with the drive on said beach; and to exercise a general police control along said beach and in the waters adjacent thereto.

Railroad tracks—removal for non-user.

Sec. 41. The Board of Commissioners shall have power to require, on due notice, all railway companies owning tracks within the city limits which may have been or may hereafter be abandoned by them, by non-user, to move such tracks and to restore at their own expense the streets or way upon which such abandoned track is located to proper grade. The Board of Commissioners shall have power at any time to change the location and to remove or cause to be removed the railway track or tracks on any street or avenue from one portion of the street to another, and to effect and enforce such change of location or removal in such mode as may be prescribed by ordinance or otherwise and at the expense of the owner or operator thereof, and to secure the payment thereof shall have a lien on all the property of said railway companies.

Railroad tracks—change location of.

Lien for cost of removal.

Official journal.

Sec. 42. The Board of Commissioners shall, as soon as may be after the commencement of each fiscal year, contract as they may by ordinance or resolution determine, with a public newspaper of such city as the official paper thereof, and to continue as such until another is selected, and shall cause to be published therein all ordinances, notices and other matter required by this Act, or by the ordinances of said city, to be published.

Public library—establishment of.

Donation of books, etc., for

Sec. 43. The Board of Commissioners shall have authority, by ordinance duly enacted, to provide for the establishment and maintenance of a free public library in the City of Galveston, and to this end may make appropriations in amounts within their discretion; and may receive donations of books, papers, magazines, periodicals, or other property or money for the benefit of and maintenance of such public library.

Auditing accounts; collection of revenues and assets; payment of liabilities and expenses.

Sec. 44. The Board of Commissioners shall have full authority over the financial affairs of the city, and shall provide for the collection of all revenues and other assets, the auditing and settlement of all accounts, and in the exercise of a sound discretion make appropriation for the payment of all liabilities and expenses. The fiscal year of the city shall begin March 1st of each year. In the month of February of each year, or as soon thereafter as practicable, the Board shall make a careful estimate of the probable revenues for the next fiscal year, and apportion the same to the several departments of the City Government, including a reserve fund of twenty-five thousand ($25,000.00) dollars, to be used only in the case of extraordinary emergencies which could not have been foreseen before their occurrence. Any unexpended portion of said reserve fund created for any year shall constitute a part of such reserve fund for the ensuing year. Any member of the said Board of Commissioners who shall knowingly vote for, or in any manner aid or promote, the passage or adoption of any ordinance, legislation or other act of said Board increasing the appropriation for the expenses of said city beyond the estimate aforesaid, unless the actual revenues shall have exceeded such estimate, and in such event beyond such actul revenue, shall thereby vacate his office and shall be guilty of malfeasance in office and shall be removed from his office in the manner provided for in this Act, and any appropriation over and above the said estimated revenues shall be void. Such estimate or budget shall be prepared in such detail and as to the aggregate sum and the items thereof, as the said Board shall deem advisable, and in order to enable the said Board to properly prepare such estimate, the heads of all departments shall, at least thirty (30) days before the said estimate is hereby required to be made, send to the said Board, in writing, estimates of the amounts needed for the conduct respectively of each department of said city for the next ensuing fiscal year. Such estimates shall be certified to by the parties making them,

Fiscal year.

Budget—making of.

Reserve fund—unexpended portion of, how disposed of.

Appropriations in excess of budget—prohibited; punished; void.

Estimates for budget by heads of departments.

Certified to. Details and objects of.

and shall specify in detail the objects thereof, and items required for the respective departments, including a statement of each of the salaries of the officers, employees, deputies and subordinates in each department. It shall be the duty of the said Board of Commissioners, when assembled for the consideration of said budget, to consider and investigate the estimate prepared by said officers, to hold daily sessions, if necessary, for the consideration and adoption of said budget. After said budget shall have been duly passed and adopted, said Board of Commissioners shall not have the power to increase the amounts fixed therein, whether by insertion of new items or otherwise, beyond the estimated revenues, unless the actual revenues shall exceed such estimate, and in such event beyond such actual revenue, and the said several sums as therein fixed shall be and become appropriated after the beginning of the next ensuing fiscal year for the several purposes therein named, to be used by the said Board of Commissioners and the several departments of said government for the purposes therein named; **Provided,** that the salaries as so fixed by the Board and the other provisions of the budget may at any time be changed by the unanimous vote of the full Board, except that the said reserve fund shall not be changed nor shall any funds appropriated for the use of one department be diverted to the use of another; and no loan shall be authorized or made to pay any deficiency arising from a failure to realize sufficient income from taxation to meet the amounts provided for in said budget, but the said Board of Commissioners may borrow money for its use in anticipation of the receipt of taxes levied for any one year, and pledge, as security, the uncollected taxes for any such year; **Provided,** however, that the money so borrowed for this purpose shall not exceed in any one year the sum of one hundred thousand ($100,000.00) dollars. In case of any deficiency there shall be a pro rata abatement of all appropriations contained in said budget, and in case of any surplus arising in any fiscal year by reason of an excess of income received from the estimated revenues over the expenditures for such

Budget allowances not to be changed, except.

Salaries, etc., changed by unanimous vote, except.

Board may make loan.

Deficiency—pro-rata abatement of allowances.

Excess of revenue to general fund.

Each commissioner shall file itemized report of money expended.

year, the said surplus shall be credited to the general fund of said city, and shall form part of the general fund for the next ensuing fiscal year. And each of said City Commissioners shall at the end of each fiscal year file with the Secretary an itemized report of all money expended by the department of which he is the head, showing for what and to whom such money was paid.

Franchises—grant of.

Sec. 45. No franchise or right in relation to any highway, avenue, street, lane or alley, either on, above or below the surface of the same, and no franchise or right in relation to any island or land covered by water that may belong to or be claimed by the City of Galveston, shall be granted by the Board of Commissioners to any person or corporation for a longer period than fifty (50) years. Every grant of any such franchise

Forfeiture of—provided for.

or right shall make provision by way of forfeiture of the grant or otherwise for the purpose of compelling compliance with the terms of the grant, and to secure efficiency of public service at reasonable rates, and the maintenance of the property in good condition throughout the full term of the grant. Before any grant of any such franchise or right shall be made the proposed specific grant, embodied in the form of a brief advertisement prepared as may be directed by ordinance of the Board

Advertisement of.

of Commissioners, shall be published at the expense of the applicant for at least three (3) days in the official journal of said city. When the grant of any franchise or right is made, the city shall not part with, but shall expressly reserve, the right and duty at all times to exercise in the interest of the

Regulation and control of.

public full superintendence, regulation and control in respect to all matters connected with the police powers of said city.

Ordinance for.

Before any such grant of any such franchise or right shall be made, the proposed specific grant shall be embodied in the form of an ordinance, with all such terms and conditions as

Terms and conditions; rates, fares and charges.

may be right and proper, including a provision as to the rates, fares and charges, if the grant provides for the charging of rates,

Former grants preserved.

fares and charges. All legal ordinances, resolutions or acts heretofore passed or had by the said city, making any grant

or concession, or vesting any property, right, interest or franchise, shall remain unaffected by the repeal of the charter of said city and amendments thereto hereinafter provided for. Any and all rights, privileges and franchises heretofore or hereafter granted to or held by any person, firm or corporation in the streets, alleys, highways or public grounds or places in said city shall be subject to taxation by said city separately from and in addition to the other assets of such person, firm or corporation, and the Board may require the rendition and assessment thereof accordingly; **Provided,** that no assessment separately for franchises, rights or privileges shall be made prior to January 1, 1905.

Taxation of franchises.

Sec. 46. The Board of Commissioners shall have power to regulate and prescribe the mode and speed of vessels, steamboats and other crafts on entering and leaving the harbors of said city, and of coming to and departing from the wharves thereof, and the disposition of the sails, yards, anchors and other appurtenances of such vessels while entering, leaving or abiding in such harbor, and to regulate and prescribe the location of every steamboat, steamship or other craft, ship, vessel, barge, boat or float, and such changes of station and use of the harbor as may be necessary to promote order therein, and in the safety and equal convenience, as near as may be, of all steamboats, steamships, or other craft, ship, vessel, barge, boat or float, and may impose penalties for any offense against such ordinance, and may appoint a harbor master to carry out the provisions herein granted and to report any violation of such regulation to the court having jurisdiction thereof.

Vessels—speed of.

Sails, yards, anchors, etc.—disposition of, regulated.

Position of boats and vessels regulated—penalties imposed.

Harbor master—appointment of.

Sec. 47. That the said City of Galveston shall not be liable in damages for any injury or injuries to persons or to property caused by filling, raising, grading or elevating any property within the City of Galveston, or in the prosecution of any public improvement in said city, or on account of any defect of any street, sidewalk or other public place.

City not liable for damages caused by grade raising or for defects in streets, etc.

Breakwaters —construction of; uses and burdens on streets.

Sec. 48. The Board of Commissioners shall have power, and they are hereby authorized, to impose additional uses and burdens upon the streets, avenues, alleys and public grounds of said city for the location, construction and maintenance of breakwaters and other like works for the protection of the City of Galveston, whether constructed by the United States Government, the State of Texas or the City of Galveston, with the right to take and appropriate such land and other property as may be deemed necessary for the establishment, location, construction and maintenance of said breakwaters and other like works for the protection of the City of Galveston from encroachment or overflow by the waters of the Gulf; and for such other purposes to define the area of land needed, and to acquire, take, hold and enjoy the same; and for that purpose shall have the right to exercise the right of eminent domain and to condemn lands for said purposes and uses, in the manner and under conditions provided by law in the case of railroad corporations.

Procure right of way for.

City property exempt from execution.

Sec. 49. The property, real and personal, belonging to said city shall not be liable to be sold or appropriated under any writ of execution or cost bill. Nor shall the funds belonging to said city in the hands of any person be liable to garnishment. Nor shall the city be liable to garnishment on account of any debt it may owe or funds or property it may have on hand due any person. Nor shall the city or any of its officers or agents be required to answer any writ of garnishment on any account whatsoever.

Funds of city exempt from garnishment.

City and its officers not subject to garnishment.

No evidence of debt to be issued, except.

Sec. 50. That said Commissioners shall not issue any bonds, notes, scrip or other evidence of indebtedness, except as provided in this Act, and shall in no event contract for work, material or services in excess of the amount of the estimated revenues for the current year and the funds on hand applicable to such purposes; and all parties contracting with said Commissioners for work, material or services shall look alone to the revenues for that year, and to such funds as may be applicable for such

Expenses limited to current revenue.

purposes at the date of any such contract, and the revenues of no subsequent year shall be appropriated or used to meet any such deficit; and no property, real or personal, owned or held by said City of Galveston for public use, for governmental purposes, or in trust for the public, shall ever be subject to execution or attachment, or seizure under any legal process, for any debt heretofore or hereafter created by said City of Galveston; and all taxes due, or money in the hands of the officers charged with the collection of taxes, or any other revenues belonging to said city, shall be exempt from seizure under attachment, execution, garnishment or any other legal process.

Current revenue alone liable for debts contracted.

Public property, moneys, etc., exempt from seizure, execution or attachment for debt.

Sec. 51. The Board shall have power to license, tax and regulate the owners of all vehicles in the City of Galveston used or kept for private or public uses; and to license, tax and regulate hackmen, draymen, omnibus drivers and drivers of baggage wagons, porters, automobiles, bicycles, electric motors of any kind and all others pursuing like occupation, with or without vehicles, and prescribe their compensation, and provide for their protection, and make it a misdemeanor for any person to attempt to defraud them of any legal charge for services rendered; and to tax, regulate, license and restrain runners for steamboats, railroads, stages and public houses, and enforce the collection of all such taxes by proper ordinances; and all revenue collected under the provisions of this section, or any ordinance passed in pursuance thereof, shall be used only for the improvement of the streets and alleys of said city. This section shall not be construed to apply to street cars.

Vehicles—regulating; licensing.

Porters and other occupations licensed and regulated.

Charges for carriage fixed.

Protection provided.

Licenses, called to be used on street.

Sec. 52. That the said Board of Commissioners of said city is authorized to appropriate all delinquent taxes against which no demands are outstanding, and after the purposes for which said taxes were levied have been fulfilled and satisfied, to any proper municipal purposes, and the said Board is empowered, at the end of each fiscal year thereafter, to declare such residue of all said delinquent taxes a surplus fund, and to direct that

Delinquent taxes unappropriated—disposition of.

the same, when collected, be carried in bulk as a surplus account, subject to appropriation by said Board for proper municipal purposes, under the provisions of this Act.

Property exempt from taxation.

Sec. 53. The following property in said city shall be exempt from taxation, to-wit: All lands used exclusively for graveyards, or grounds for burying the dead, except such as are held or owned by any person, company or corporation with a view to profit, or for the purpose of speculation in the sale thereof; all buildings belonging to institutions of purely public charity, together with the lands belonging to and occupied by such institutions not leased or otherwise used, with a view to profit, and all moneys and credits appropriated solely to sustaining such institutions, together with such other property as is exempt from taxation by the Constitution and laws of the State of Texas or of the United States.

Ad volorem taxes—levy of.

Sec. 54. The Board of Commissioners shall have power, and they are hereby authorized, to levy for general purposes an annual ad valorem tax on all real, personal and mixed property within the territorial limits of said city, not exempt from taxation by the Constitution and laws of Texas, of and at the rate of not less than seventy (70) cents on the one hundred ($100.00) dollars cash valuation of said property. The meaning of the term "real property" as used in this Act shall be construed to include all lots, lands and all buildings or machinery and structures of every kind erected upon or affixed to the same; and the meaning of the term "personal property" as used in this Act shall be construed to include all household furniture, moneys, capital and chattels, all ships, steamboats and vessels, whether at home or abroad, all franchises subject to taxation under this Act, all stock of corporations, moneyed or otherwise, and generally all property which is not real. The taxes herein and hereby authorized to be levied shall become due and payable on September 1st of each year, and shall bear interest at the rate of six per cent per annum from January 1st following the said levy until the same are paid, and said

Real property defined.

Personal property defined.

Taxes when due.

Rate of interest on.

taxes are hereby made payable in the currency or coin of the United States; **Provided,** however, that all taxes paid prior to January 1st next following levy thereof, a discount may be allowed by the Board at a rate not to exceed six per cent per annum from the time the tax rolls are placed in the hands of the Collector for collection up to the time of such payments; and **Provided,** further, that if any person, firm or corporation shall fail or refuse to pay the taxes imposed upon him, them or it or upon their property by law, until the 31st day of January next succeeding the placing of the tax rolls of the city in the hands of the Collector for collection, a penalty of five per cent on the entire amount of such taxes, and in addition to interest as hereinbefore provided, shall accrue and be charged and collected as part of and in the same manner as such taxes.

Discount allowed.

Penalty assessed.

Sec. 55. Said Board of Commissioners shall have power to provide by ordinance for the assessing and prompt collection of all taxes, and to regulate the manner, mode and form of making out, and swearing to, tax lists or inventories, and the appraisement of property therein, and to prescribe how and when property shall thus be rendered, and shall also prescribe the number and form of assessment rolls and fix and define the duties and powers of the Assessor and Collector, and adopt such measures and regulations, and prescribe and enforce such penalties, as they may deem advisable, to secure the due and proper assessment of all property within the limits of said city, and the collection of the taxes thereupon, conforming the said manner and mode of rendering property for assessment, and the assessment thereof, as near as may be, to that provided by law for the rendition and assessing of property for State and County purposes, and until the passage of such ordinances, the said Board of Commissioners and the Assessor and Collector of Taxes shall be governed in their procedure and acts in relation to the assessment and collection of said notes as provided by the laws of this State relating to the assessment and collec-

Assessment and collection of taxes regulated.

Tax lists and inventories.

Assessments —how and when made.

Penalties.

State law to govern.

tion of State and County taxes. If any person shall fail or refuse to render his property for taxation under oath in form and manner as required by the Board of Commissioners, or otherwise by law, when called upon and requested so to do by the Assessor and Collector of Taxes, he shall be punished by fine of not less than five ($5) dollars nor more than twenty-five ($25) dollars for each day during which he shall so fail or refuse.

Penalty for not assessing.

Taxes a lien on property.

Sec. 56. All taxes shall be a lien on all the property upon which they are assessed, both real and personal, until they shall have been paid, and may be collected by suit and foreclosure of such lien in any court of competent jurisdiction, and in addition thereto the Board may adopt and enforce any remedy provided by law for the collection of State and county taxes.

Suit for collection of taxes.

Abbreviations, figures, etc., on rolls, sufficient and valid.

Sec. 57. Any and all descriptions of real estate, blocks, outlots, lots or any parts or fractions thereof, and of all personal property, and any and all dates, years, valuations, taxations, numbers, quantities or amounts contained in any assessment roll, land tax book, personal tax book, or descriptions contained in any book or roll and for the purpose of assessing property, shall be sufficient and valid when made or stated in whole or part, in abbreviations or contractions of words, letters, characters or figures; and when so made or stated shall be deemed and held to be fully and fairly made and stated as though the same had been written out in full. No error or irregularity in any assessment roll, tax book, or other document relating to the levy, assessment, equalization or collection of the taxes of the city shall in any manner affect or impair the validity of any tax, or affect the proceedings for the collection thereof; but every such assessment shall be liberally construed to affect the purposes and objects of this section in determining the validity thereof.

Irregularities do not invalidate rolls.

Liberally construed.

Bankrupt stocks seized for unpaid taxes.

Sec. 58. That in all cases where any dealer in goods, or merchandise of any kind, subject to either ad valorem or occupation tax or both under the provisions of this Act, shall, after

the rendition of said goods, wares or merchandise for taxation, or after becoming liable for any occupation tax, become, or be adjudged, bankrupt, or make an assignment of said goods, wares or merchandise, or sell out or transfer the same in bulk, then the Assessor and Collector of Taxes shall at once present to the trustee in bankruptcy, receiver, assignee, or vendee of said dealer for payment a statement of the amount due for said occupation or ad valorem taxes by said dealer, and in case of the failure of said trustee in bankruptcy, receiver, assignee or vendee to at once pay the amount of said taxes, the said Assessor and Collector shall, by virtue of his assessment roll, levy upon, seize and sell from the said goods, wares or merchandise enough to satisfy the amount of said taxes, interest and costs, such sale to be conducted in the manner now prescribed for the sale of personal property under execution; and said taxes, until paid, shall be and constitute a prior lien on all of said merchandise, goods and wares, in default of the payment of said taxes; and whenever any goods, wares or merchandise shall be levied upon or seized under any writ of attachment or execution upon which the said city has a claim for ad valorem or occupation taxes unpaid, said Assessor and Collector shall present for payment to the officer levying said writ of attachment or execution the amount due for said taxes, interest and costs on said goods, wares or merchandise, and in case of the failure of said officer, or of the plaintiff in said writ, to at once pay the amount of said taxes, said Assessor and Collector shall proceed to levy upon, seize and sell enough of said goods, wares or merchandise to satisfy the amount of said taxes, interest and costs, as hereinbefore provided.

Collector may sell if taxes not paid by Sheriff or Trustee.

Prior lien.

Sec. 59. No demand for the payment of any taxes due the city shall be necessary, but it is hereby made the duty of every person or corporation subject to taxation to attend at the office of the Assessor and Collector of Taxes at the time when said taxes are made payable and pay all such taxes.

Taxes, demand for, not necessary.

Deliquent taxes collected by suit.

Sec. 60. All taxes due by property owners on any and all property for the year 1884, and up to and including the year 1899, and for all years to come until otherwise provided by charter, as appears upon the tax rolls of said city, may be collected by suit from delinquents and foreclosure of the lien thereon be had in any court having jurisdiction of the same, and any person who shall purchase property encumbered with a lien for taxes shall be deemed, as to such taxes, a delinquent taxpayer, and such purchaser takes the property charged with the lien, and he can not interpose any defense which his vendor might not have interposed had he continued to be the owner thereof. And no delinquent taxpayer shall have the right to plead in any court, or in any manner rely upon, any statute of limitation by way of defense against the payment of any taxes or assessments due from him or her to the city of Galveston.

Purchaser of property a delinquent, when.

Taxes not subject to limitation plea.

Unpaid taxes placed in hands of City Attorney.

Suit for taxes over-due one year.

Sec. 61. For special cause the Board may at any time order any unpaid taxes to be placed in the hands of the City Attorney for collection, and in January of each year shall order placed in the hands of said Attorney for suit and collection all unpaid taxes that have been due one year or more.

Occupation taxes.

Sec. 62. Said Board of Commissioners shall have the power to license, tax and regulate merchants, commission merchants, hotel and inn keepers, drinking houses or saloons, barrooms, beer saloons and all places or establishments where intoxicating or fermented liquors are sold, brokers, money brokers, and all other trades, professions, occupations and callings of every kind not specially mentioned herein as may be taxed or licensed by the laws of the State, but no assessment or license tax under this section shall exceed one-half of the amount levied by the State for the same period on such profession or occupation, and the same may be regulated, levied and collected in the same manner as said taxes are regulated, levied and collected by the State. The license and occupation tax authorized to be levied by this Act shall be collected by the Assessor

Persons and occupations subject to.

Licensed and regulated.

Not to exceed one-half State tax.

and Collector of Taxes, and shall be paid to that officer by each and every person and firm before engaging in any trade, profession, business, calling, vocation or occupation subject to said tax as is provided by the terms of this Act.

Compromise and reduction of taxes.

Sec. 63. The Board of Commissioners of said city, by the unanimous vote of the full Board, shall have the power and are hereby authorized to correct, adjust and reduce any assessment upon property made prior to 1901, and in cases of financial inability or acute financial distress caused by the hurricane of September 8, 1900, to compromise, adjust and settle any uncollected taxes, interest and penalty levied for the year 1900 by said city upon such property, and also to compromise and settle any judgment for taxes, interest and penalty.

School taxes —collection of.

Sec. 64. That all revenue arising from assessments on real and personal property, that have been heretofore or may hereafter be made or levied on account of public schools or public education in the said city, shall be and remain for the use and benefit of the public schools of said city, and when the said tax is collected, it shall be paid over, weekly, to the treasurer of the Board of Public School Trustees of said city.

School taxes —levy and assessment of.

Sec. 65. The Board of Commissioners of said City of Galveston shall annually levy and assess the special tax for the support of the public free schools in said city that has heretofore been or may be hereafter voted for that purpose by the qualified voters in the City of Galveston, by an ordinance duly passed by said Board upon the requisition of the Board of Trustees of the public schools of the City of Galveston, said tax to be levied and assessed in the same manner as is required by this Act in the levy and assessment of taxes for general purposes.

Street railroads. Tax assessment against. Compel repair and safe carriage, ample accomodations etc.

Sec. 66. The Board of Commissioners shall have power to assess and collect the ordinary municipal taxes upon city or horse railroads, and to compel the said city railroad companies to keep their roads in repair, and to restrain the rate of travel

Rate of travel.

so as not to exceed seven miles per hour, and to compel said city railroads to supply ample accommodation for the safe and convenient travel of the people on any street where their tracks may run. The Board of Commissioners may enforce these regulations by proper ordinance, with suitable penalties for all violation of said ordinances. Whenever the said Board of Commissioners shall determine to fill, grade, pave or otherwise improve any street or avenue, and over and upon which, or any portion thereof, there may be tracks and roadbed of any railroad company, the said railroad company shall, upon notice, fill, grade, pave or otherwise improve the portion of said street or avenue so occupied by it, between the rails of said tracks and for one foot on each side of said rails, with such material and in such manner as has or may be provided by said Commissioners for the improvement of the other portions of such street or avenue. Upon failure so to do, after thirty days' notice, the said Board may so improve such street or avenue between said rails and for one foot on each side thereof for account of said railroad company, and for all sums so expended, and legal interest thereon, the City of Galveston shall have a first lien on the roadbed, franchises and other property of said railroad company and, if not paid upon demand, suit may be brought by said city to recover said indebtedness and for the foreclosure of said lien.

Penalties for violations.

To fill, grade and pave between tracks.

Railroad failing after notice, city may have work done.

Cost collected —lien for.

Sec. 67. (a) The City of Galveston shall have the power to issue bonds to the amount of not exceeding $3,100,000 of such denomination as the Board of Commissioners may determine, payable at such time, not to exceed fifty years, as they may determine and as may be agreed to by the holders of such bonds, bearing interest, payable semi-annually, at a rate to be agreed on by the holders of such bonds and the Board of Commissioners; said interest rate, however, not to exceed five per cent per annum, but the City of Galveston shall have the right to select by lot, as interest coupons on said bonds mature, sufficient of the bonds to retire at not exceeding par, not less

Funding bonds —issuance of.

Interest rate.

Old bonds— how retired.

than two per cent per annum of the total bonds outstanding of each issue into the sinking fund thereof. These bonds are to be issued for the purpose of refunding such of the outstanding bond issues of the City of Galveston as are hereinafter specified; that is to say, a sufficient number of said bonds so authorized to be issued shall be in lieu and instead of the outstanding forty-year limited debt bonds of 1881; a sufficient number of said bonds so authorized to be issued shall be in lieu and instead of the waterworks, street improvement and city hall bonds outstanding; a sufficient number thereof shall be in lieu and instead of the forty-year limited debt bonds of 1891 outstanding; a sufficient number thereof shall be in lieu and instead of the general indebtedenss funding bonds of 1895 outstanding; a sufficient number thereof shall be in lieu and instead of the general indebtedness funding bonds approved September 8, 1897, outstanding; a sufficient number thereof shall be in lieu and instead of bonds outstanding issued for the establishment and maintenance of a sewerage system in pursuance of an ordinance of the City of Galveston passed December 16, 1897, and the amendment thereof passed August 21, 1899.

Bonds to be funded.

(b) The Board of Commissioners of the City of Galveston shall have power to levy, assess and collect an annual ad valorem tax not exceeding twenty cents on the one hundred dollars valuation of all property subject to taxation within said city in order to provide for the payment of interest at such rate as may hereafter be determined by the Board of Commissioners of said City of Galveston, not to exceed five per cent per annum, and to create a sinking fund of not less than two per cent per annum on such amount of the total bonds remaining unpaid of the issue of what is known as the forty-year limited debt bonds of 1881, and refunding bonds, respectively, issued in lieu of same.

Tax levy for 1881 bonds.

(c) The Board of Commissioners of the City of Galveston shall have the power to levy, assess and collect an annual ad valorem tax not exceeding sixteen and four-tenths cents on the

Tax levy for waterworks, street improvement and city hall bonds.

one hundred dollars valuation of all property subject to taxation within said city, in order to provide for the payment of interest at such rate as may hereafter be determined by the Board of Commissioners, not to exceed five per cent per annum, and to create a sinking fund of not less than two per cent per annum on such amount of the total bonds remaining unpaid of the issue of what is known as the waterworks, street improvement and city hall bonds, and refunding bonds, respectively, issued in lieu of same.

Tax levy for 1891 bonds.

(d) The Board of Commissioners of the City of Galveston shall have the power to levy, assess and collect an annual ad valorem tax not exceeding thirty-three cents on the hundred dollars valuation of all property subject to taxation within said city, in order to provide for the payment of interest at such rate as may hereafter be determined by the Board of Commissioners, not to exceed five per cent per annum, and to create a sinking fund of not less than two per cent per annum on said amount of the total bonds remaining unpaid of the issue of what is known as the forty-year limited debt bonds of 1891, and refunding bonds, respectively, issued in lieu of same.

Tax levy for 1895 bonds.

(e) The Board of Commissioners of the City of Galveston shall have power to levy, assess and collect an annual ad valorem tax of not exceeding five and five-tenths cents on the one hundred dollars valuation of all property subject to taxation within said city, in order to provide for the payment of interest at such rate as may hereafter be determined by the Board of Commissioners, not to exceed five per cent per annum, and to create a sinking fund of not less than two per cent per annum on such amount of the total bonds remaining unpaid of the issue of what is known as the general indebtedness refunding bonds of 1895, and refunding bonds, respectively, issued in lieu of same.

Tax levy for 1897 bonds.

(f) The Board of Commissioners of the City of Galveston shall have power to levy, assess and collect an annual ad valorem

tax of not exceeding five cents on the one hundred dollars valuation of all property subject to taxation within the said city, in order to provide for the payment of interest at such rate as may hereafter be determined by the Board of Commissioners, not to exceed five per cent per annum, and to create a sinking fund of not less than two per cent per annum on such amount of the total bonds remaining unpaid of the issue of what is known as the general indebtedness refunding bonds of 1897, and refunding bond, respectively, issued in lieu of the same.

Tax levy for sewer bonds.

(g) The Board of Commissioners of the City of Galveston shall have power to levy, assess and collect an annual ad valorem tax of not exceeding ten cents on the one hundred dollars valuation of all property subject to taxation within said city, in order to provide for the payment of interest at such rate as may hereafter be determined by the Board of Commissioners, not to exceed five per cent per annum, and to create a sinking fund of not less than two per cent per annum on such amount of the total bonds remaining unpaid of the issue of what is known as the sewer bonds and refuding bonds, respectively, issued in lieu of same; **Provided,** however, that the said Board of Commissioners shall not determine upon a less rate of interest than five per cent per annum upon any outstanding legal bonds of the City of Galveston, except and unless with the consent of the holders of such bonds, respectively, and if the holder or holders of any such bonds do not so consent to a less rate of interest than five per cent per annum, then and in that case the bond or bonds of any such holder or holders not so consenting shall bear interest at the rate of five per cent per annum.

Board of Commissioners may determine upon less rate of interest—how.

Rate when bondholders fail to consent

Tax levy limited to above rates for account of refunding bonds.

(h) This Act shall not be so construed as to authorize the Board of Commissioners of the City of Galveston to levy, or to assess, or to collect any tax in excess of the rates mentioned in this section, for the purpose of paying the interest on, or

For bonds not funded tax rates remain as heretofore.

creating a sinking fund for, any series of either the outstanding bonds or the refunding bonds mentioned in this section; **Provided** however, that if any of such outstanding bonds be not refunded then and in that case said Board of Commissioners shall have power to levy, assess and collect such rate of taxation to pay the interest on, and to create a sinking fund for, such bonds not refunded as does not exceed the rate of taxation prescribed in any legal ordinance, resolution or act heretofore passed by the City Council of the City of Galveston, or Act of Legislature heretofore passed relating thereto, providing for the issuance and payment of either principal or interest of any such outstanding legal, unpaid and unrefunded bonds of the City of Galveston.

Interest and sinking funds special funds.

(i) Each of said funds so created shall be a special fund for the purposes aforesaid, and shall not be drawn upon or diverted for any other purpose, and the City Treasurer of said City of Galveston shall honor no draft upon said fund, except to pay the interest upon, or to redeem the bonds for which each or either of said funds was created under the provisions of this section. All bonds issued as refunding bonds shall be signed by the President of the Board of Commissioners and countersigned by the Secretary of said Board, and shall be payable at such place as may be fixed by ordinance of said Board of Commissioners. It shall be the duty of the President of said Board of Commissioners when such bonds are issued to forward the same to the Comptroller of the State of Texas, whose duty it shall be to register them in a book kept for that purpose, and to endorse on each bond registered his certificate of registration.

Bonds signed by President, etc.

To be forwarded to Comptroller for registration

Funding Act to be published.

(j) Immediately upon the qualification of the Commissioners of the City of Galveston, to be appointed and elected as provided in this Act, or as soon thereafter as practicable, it shall be their duty to make publication of the terms and this funding act; but the passage of this Act shall be and is hereby deemed sufficient notice to the holders of the present bonds of the City of Galveston now standing.

(k) The manner of exchange of refunding bonds, their date of issuance, rate of interest, maturity and all other details of the issuance of the new bonds is hereby left to the Board of Commissioners under such rules and regulations as a majority of them shall prescribe, not inconsistent with the provisions of this Act.

Commissioners to fix terms, interest, etc., for refunding, etc.

(l) The acceptance and consummation by any creditor of the exchange of bonds provided by this Act shall of itself operate to assign and transfer to said municipal corporation all his rights to, and claims against, the uncollected taxes or other assets whatever of said municipal corporation, including whatever funds there may be, either in bonds, money or other securities, held in either interest or sinking funds of the issue so exchanged or refunded, with the right in said municipal corporation to enforce the same either in its own name or in the name of the creditor, and the funds that may be realized therefrom are to be paid to the Treasurer of said municipal corporation, and they are hereby devoted and appropriated to the payment of the present floating debt of the City of Galveston; and after that is paid to go in the general fund for any proper municipal purposes, so far as is not inconsistent with the terms of this Act.

Release by bondholder of uncollected taxes.

Released taxes to be applied to floating debt and general fund.

(m) Said Board of Commissioners shall have the power, and it is made their duty, from time to time as they may determine whenever as much as five thousand ($5000) dollars shall have accumulated in the sinking fund of any series of bonds, to invest the same in bonds of any such series, in bonds of said City of Galveston, in bonds of the State of Texas, or in bonds of the United States, as may be deemed most advantageous by said Board; **Provided,** however, that when bonds of any particular series have heretofore been or may hereafter be purchased for the sinking fund of the same series, said bonds shall be cancelled and retired. It shall be the duty of said Board of Commissioners upon the surrender of any evidence

Sinking fund —investment of.

Some series purchased to be cancelled.

of indebtedness for which a new bond is to be issued under the provisions of this Act, and before the said bond is delivered, to cancel the evidence of indebtedness so surrendered with a punch or by writing across the face thereof that it is cancelled, so that it can not be again used. All matured interest coupons shall be surrendered with the bonds, and no bond shall be received or refunded from which unmatured interest coupons are detached, unless such coupons are produced and surrendered with the bond.

Bond or evidence of debt to be cancelled.

Unmatured coupons to be surrendered with bonds redeemed.

Bond register to be kept.

(n) Said Board of Commissioners shall also keep, or cause to be kept, for and on behalf of the City of Galveston, a complete bond registry and set of books, showing all bonds issued, the date and amount thereof, the rate of interest, maturity, etc., of all bonds or other indebtedness surrendered under the provisions of this Act, and all the other transactions of such Board having reference to the refunding of the indebtedness of said city. When bonds or their coupons are paid, their payment or cancellation shall be noted in said registry, and the said book so required shall be kept safely among the records of the said City of Galveston.

Payment of bonds or coupons to be noted in register.

No taxing power except that provided by charter.

(o) Said Board of Commissioners shall have power to impose, levy and collect ad valorem taxes, poll taxes, occupation taxes, license taxes and such other taxes as are specially authorized by this charter, but shall not exercise any other taxing power.

Officers punished for breach of trust in like manner as State officers.

(p) That for any violation of the trusts imposed upon the officers or agents of the City of Galveston employed under this Act, the same consequences shall follow, civilly and criminally, that result from any breach of trust or willful violation of duty imposed by law upon any of the officers of the State of Texas charged with the discharge of like duties, and for a breach of trust or willful violation of duty in respect thereof, upon conviction, they shall be punished in like manner as is or may be provided by the penal laws of the State of Texas.

Sec. 68. The Board of Commissioners of said City of Galveston shall have the power and they are hereby authorized to appoint a board of engineers, to consist of three competent and skilled engineers, who shall devise and report to said Board of Commissioners plans and specifications, with estimates of the cost, for elevating, filling and grading the avenues, streets, sidewalks, alleys and lots of the City of Galveston so as to protect said city from overflow from the waters of the gulf, and to secure sufficient elevation for drainage and sewerage. When the report of said board of engineers has been adopted by the Board of Commissioners, all filling, raising and grading in said city shall be done with reference to the grades thus established. The Board of Commissioners are authorized to spend out of the general revenue of the city a sum not to exceed ten thousand ($10,000) dollars to pay for the expenses of said board of engineers.

Grade raising —appointment of board of engineers.

Grade established.

Compensation of Board.

Sec. 69. The Board of Commissioners shall have the power, and are authorized to issue from time to time, bonds of the City of Galveston in the denomination of one hundred ($100) dollars or multiples thereof, to the amount of two million ($2,000,000) dollars, payable not more than fifty years after their date, with the right of the city at any time to select by lot and redeem with the sinking fund any of them, and bearing interest, payable semi-annually, at the rate of not to exceed five (5) per cent per annum. Said bonds shall not be sold or otherwise disposed of at less than par, and their proceeds shall be used and expended for raising and filling to grade the avenues, streets, sidewalks, alleys, blocks, outlots and lots in said city, viz.:

Bonds issued for grade raising.

Maximum amount.

Interest rate.

First in point of time:

Beginning at or near the southerly or gulf end of Twenty-fifth street or Rosenberg avenue and north of the site of the Galveston seawall as designated by order of the Commissioners Court of Galveston County, and filling easterly and westerly therefrom simultaneously, covering the same amount of area.

First filling begin, where.

Grade raising territory defined.

The territory to be so filled is bounded and described as follows: Beginning at the intersection of the north line of Broadway and Forty-fifth street, where the levee designed by the Board of Seawall Engineers intersects said street:

Thence eastwardly along the north line of Broadway to its intersection with the west line of Thirteenth street.

Thence northerly along the west line of Thirteenth street to the south line of Avenue A.

Thence easterly along the south line of Avenue A to the line of the said seawall site;

Thence with the line of said seawall site to its terminus at Thirty-ninth street;

Thence with the site of said levee so designated to its intersection with Broadway at Forty-fifth street.

Second in point of time:

Second in point of time.

Any portion of the following described part of said City of Galveston which may be designated to be filled and raised to grade by the Board of Commissioners of said city, towit: All that part of the said city being between Thirteenth and Thirty-ninth streets and north of Broadway.

Amount allowed for raising grade of streets.

Said Board of Commissioners may also expend and use not to exceed one hundred thousand ($100,000) dollars of the proceeds of said bonds in raising and filling to grade the streets, alleys and avenues in any locality in said city.

Raising buildings to grade.

All lots and blocks and outlots and buildings thereon in any portion of the city above, or which may be designated to be filled or raised, and that are below the grades that may be established for those localities, are hereby declared to be dangerous to the health and safety of the inhabitants of said city, and a public necessity exists for raising and filling the same to grade, and said Board of Commissioners shall have the power and are hereby authorized to cause the same to be raised and filled to grade and pay for the same out of the proceeds of the bonds herein authorized to be issued.

May be done by city; how paid for.

Provided, however, that such buildings shall be so raised to conform to the established grade at the cost and expense of the owner, who may do or cause the work to be done in conformity to the requirements of the Board; but, if the work be paid for as above provided out of the proceeds of said bonds, the city may and shall recover of such owner in any court of competent jurisdiction the amount so paid therefor; and,

Raising of buildings at cost of owner and to be paid for by him.

Provided, further, that the Governor of the State shall appoint three resident citizens and qualified voters of the City of Galveston to constitute a board for the management, control and direction of the work of filling and raising the avenues, streets, sidewalks, alleys, lots and outlots in said city as herein contemplated or provided for, and to make all expenditures of funds for that purpose. Said board shall be styled the "Grade Raising Board of the City of Galveston," and may make contracts for the work and manage, control and direct said work and all expenditures therefor, whether the same be done by contract or otherwise; but before any such work shall be done, or contract made, or any expenditures shall be made, the same shall be reported to and approved by the Board of Commissioners of the City of Galveston, and all such expenditures when so approved shall be appropriated and ordered paid by said Board of Commissioners. Each member of said Grade Raising Board shall receive for his services a salary of five hundred ($500) dollars per annum in monthly installments out of the general revenue of the city and as other current expenses of said city. Each member of said Board shall take the oath of office prescribed by the Constitution, and give bond in the sum of five thousand ($5000) dollars, payable to the Governor of the State, and approved by the Board of Commissioners, and conditioned for the faithful performance of his duties; his term of office shall not exceed two years, nor extend beyond the completion of the work, and at any time, for cause in his judgment sufficient, the Governor may discontinue said Board temporarily or permanently, or remove any member thereof.

Grade Raising Board—appointment of.

Powers and duties of Board.

All proposed plans and work to be reported to and approved by City Commissioners.

Salary, bond and oath.

Term of offices.

State tax donations—how applied. [Amended, Acts 1905.]

Sec. 70. All moneys that have been or may be donated or appropriated by the State of Texas to the City of Galveston shall be applied to and used for the purpose of paying the interest upon and providing a sinking fund of not less than two per cent per annum for the redemption of the two million dollars ($2,000,000) of bonds, the issuance of which is provided for in the preceding section (No. 69), and said Board of Commissioners shall have the power and are hereby authorized to levy and cause to be assessed and collected for the year 1902 and annually thereafter, for the purpose of providing such interest and sinking fund, an ad valorem tax of not to exceed sixty cents on the one hundred dollars cash value of all real, personal and mixed property within the corporate limits of the said City of Galveston, or that may be taxable therein on the first day of January of each and every year, except so much thereof as may be exempted by the Constitution and laws of this State or of the United States.

Tax levy for grade raising bonds.

Wharf Company dividends to supplement tax for grade raising.

Sec. 71. In addition to the ad valorem tax provided for in section 70 of this Act, said Board of Commissioners may except so far as the same are otherwise disposed of by this Act, also hypothecate and pledge the annual dividends and income that may be received by the city from its stock in the Galveston Wharf Company, or so much thereof as will, when added to the money received each year from the ad valorem tax provided for in said section 70, be sufficient to pay the interest and sinking fund upon the bonds authorized to be issued under said section 69 that are then outstanding.

Bonds for duplicate main.

Sec. 71a. The Board of Commissioners of the City of Galveston is hereby authorized and empowered to issue the bonds of the City of Galveston in the denomination of $100.00, or multiples thereof to the amount of $100,000.00, said bonds to be payable not more than fifty years after their date, and bearing interest payable semi-annually at a rate not to exceed five per cent per annum. Said bonds shall not be sold or otherwise

Rate of interest.

disposed of at less than par, and their proceeds shall be used and expended exclusively for the construction of a duplicate water main across Galveston Bay. And it is hereby made the duty of the Commissioners of the City of Galveston whenever said bonds are issued, to levy and cause to be assessed and collected annually for the purpose of providing for the payment of the interest on said bonds, and a sinking fund of two per cent, an ad valorem tax not to exceed 3 cents on the $100.00 cash value of all real, personal and mixed property within the corporate limits of said City or that may be taxable therein, on the first day of January of each and every year, except so much thereof as may be exempted by the Constitution and laws of this State or of the United States, from taxation. The City of Galveston shall have the right at any time to select by lot and redeem any of the aforesaid bonds with the sinking funds that may accrue from taxation, or with any of the funds said City may have for that purpose. It being expressly understood that the said Board of Commissioners may set aside and appropriate annually, in addition to the sinking fund aforesaid, all surplus revenues arising from the City waterworks, which may be used for the redemption of these bonds.

Proceeds, how used.

Tax levy for.

Redemption of bonds.

Sec. 71b. In addition to the power to issue any and all other bonds as elsewhere or otherwise provided in or by the Charter of said City of Galveston, the said City of Galveston shall have the power and it is hereby authorized to issue from time to time, or at any time, bonds of said City to the amount of Fifty Thousand Dollars ($50,000.00) of the denomination of one hundred dollars ($100.00), or any multiple thereof, payable forty years after their date and bearing interest payable semi-annually, at a rate of not exceeding five per cent per annum, which said bonds shall be sold for cash at not less than par, and the proceeds thereof shall be used and expended for the construction, erection, equipment, improvement, maintenance and repair of public free school houses in said City under the direction, and upon the requisition of the Board of Trustees

Bonds for erection of public free schools.

Rate of interest.

Proceeds, how used.

of the public free schools of said City, and no part thereof shall ever be used or expended for or diverted to any other purpose whatsoever; and said proceeds shall be paid over, as and when received, to the Treasurer of said City, and said Treasurer shall pay out and disburse the same only upon the requisition, order or warrants of said Board of Trustees, signed by the President of said Board and countersigned by its Secretary, without other authority for such disbursement, and without any warrant drawn by the Auditor of said City of Galveston and signed by the President of the Board of Commissioners of said City, and countersigned by the Commissioner of Finance and Revenue, under the seal of the Board of Commissioners of the City of Galveston. The Board of Commissioners of the City of Galveston shall have the power and are hereby authorized to levy and cause to be assessed and collected annually for the purpose of paying the interest upon said bonds and providing a sinking fund for the redemption thereof, of not less than two per cent per annum, an ad valorem tax sufficient to pay said interest and provide said sinking fund upon all real, personal and mixed property situated or owned in said City of Galveston, or that may be taxable therein on the first day of January of each and every year, except so much of said property as may be exempted from taxation by the Constitution and laws of this State or of the United States. Said fund for the payment of said interest and the accumulation of said sinking fund shall not be diverted to or used, expended or drawn upon for any other purpose whatsoever, and the City Treasurer of the said City shall honor no draft or requisition of any kind whatsoever upon said fund, except to pay the interest upon or redeem said bonds.

City Treasurer to disburse.

Tax levy for.

Bonds for grading, raising, etc.

Sec. 71c. The Board of Commissioners of the City of Galveston shall have power and are hereby authorized to issue from time to time bonds of the City of Galveston in the denomination of $100.00 or multiples thereof, to the amount of $300,000.00,

payable not more than fifty years after their date, with the right of the City to select by lot and redeem with the sinking fund any of them twenty (20) years after their issuance, and bearing interest, payable semi-annually, at a rate of not to exceed 4½ per cent per annum. Said bonds shall not be sold or otherwise disposed of at less than par and their proceeds shall be used and expended exclusively for the grading, raising, filling, drainage, paving or otherwise improving the avenues, streets and sidewalks in such parts or portions of the City of Galveston as may be designated and selected by said Board of Commissioners. And said Board of Commissioners shall have the power and are hereby authorized to levy and cause to be assessed and collected annually upon the issuance of said bonds, an ad valorem tax not to exceed ten cents on the $100.00 cash value of all real, personal and mixed property within the corporate limits of the City of Galveston, or that may be taxable therein, except so much thereof as may be exempted by the Constitution and laws of this State, or of the United States, to pay the interest and sinking fund of not less than 2 per cent upon said bonds.

Rate of interest.

Tax levy for.

Sec. 71e. The Board of Commissioners of the City of Galveston be and the same are hereby authorized to aid and assist the County of Galveston in the construction of a causeway across Galveston Bay from the main land to Galveston Island opposite the limits of the said City of Galveston, by appropriating out of any funds that may be available for that purpose, a sum not to exceed $20,000.00 in any one year for a period of ten years. And in the event no funds of said City may be available for the purpose aforesaid, then the said Board of Commissioners, for the purpose of aiding and assisting said County of Galveston in the construction of said causeway,

Aid in constructing causeway.

Bonds for construction of causeway.

shall have the power and are hereby authorized to issue from time to time bonds of the City of Galveston in the denomination of $100.00, or multiples thereof, to an amount not exceeding $200,000.00, payable not more than fifty years after their date, with the right of the City to select by lot and redeem with the sinking fund or otherwise any of said bonds twenty years after their issuance, bearing interest, payable semi-annually at a rate not to exceed 4½ per cent per annum. Said bonds shall not be sold or otherwise disposed of at less than par and their proceeds shall be used and expended exclusively to aid and assist the County of Galveston in the construction of said causeway. And said Board of Commissioners shall have the power and are hereby authorized to levy and cause to be assessed and collected annually upon the issuance of said bonds, an ad valorem tax not to exceed ten cents on the $100.00 cash value of all real, personal and mixed property within the corporate limits of the City of Galveston, or that may be taxable therein, except so much thereof as may be exempted by the Constitution and laws of this State, or of the United States, to pay the interest and provide a sinking fund of not less than 2 per cent upon said bonds.

Redemption of bonds.

Rate of interest.

Tax levy for.

Bonds to be voted on before issued.

The bonds provided for in this Act shall not be issued by the Board of Commissioners of the City of Galveston unless their issuance shall be authorized by the votes of a majority of the qualified voters of the City of Galveston, who are property taxpayers residing in said City, voting at an election upon the question of the issuance of said bonds, as required by Chapter CXLIX of the acts of the Twenty-sixth Legislature of the State of Texas, approved May 26th, 1899.

Grade raising tax, etc., a special trust fund.

Sec. 72. Each tax authorized under this Act to be levied, assessed and collected for the purpose of paying the interest and sinking fund upon any bond issued under this Act shall be, and the same is hereby declared to be, a trust fund for the purpose of paying the interest upon and providing a sinking fund for the redemption of the respective bonds for which it

was levied; and when collected, the money thereupon shall never be diverted from the purpose for which it was levied, nor used for any other purpose. Any dividend or income that may be pledged to secure the interest and sinking fund upon any of the bonds authorized to be issued under this Act shall also be, and is hereby declared to be, a trust fund, and shall never be used for any other purpose than that for which the same may be hypothecated or pledged.

President to make financial reports to Comptroller.

Sec. 73. The President of the said Board of Commissioners shall cause to be prepared and make stated financial reports at least as often as once every six (6) months to the Comptroller of the State of Texas in accordance with forms and methods and at times to be prescribed by said Comptroller. All such reports shall be certified as to their correctness by the Auditor of said city. Such reports shall be printed as a part of the public documents of the State, and be submitted by the Comptroller of the State to the Legislature at each regular session next succeeding the making of such reports. Such reports shall contain an accurate statement in summarized form and also in detail of the financial receipts of the city from all sources, and of the expenditures of the city for all purposes, together with a statement in detail of the debt of said city at the date of said report and of the purposes for which said debt has been incurred as well as such other information as may be required by said Comptroller of the State. Said Comptroller of the State shall have power, and it is also made his duty, by himself or by some competent person or persons appointed by him, to examine into the affairs of the financial department of said city; on every such examination inquiry shall be made as to the financial condition and resources of the city, and whether the requirements of the Constitution and laws have been complied with, and into the methods and accurracy of the accounts of the said city, and as to such other matters as the said Comptroller may prescribe. The Comptroller of the

Certified to by Auditor.

Printed as public document.

Submitted to Legislature.

Shall contain what.

Comptroller to examine city finances; may appoint examiner.

Examiner may administer oaths and summon witnesses.

State and every such examiner appointed by him shall have power to administer an oath to any person whose testimony may be required on any such examination, and to compel the appearance and attendance of any such person for the purpose of any such examination and the production of books and papers. A report of each examination shall be made and shall be a matter of public record in the office of said Comptroller.

Proposals for work to be advertised for.

Sec. 74. That the said Board of Commissioners shall, in every case, before entering into any contract involving the expenditure of more than five hundred ($500.00) dollars advertise daily for one week or more in the official newspaper of said City, to be designated as provided in this Act, for proposals for work to be done, or material to be furnished, and shall

Bids to be opened.

open all bids on the day named in the advertisement, or as soon thereafter as practicable, in the presence of not less than three (3) members of said Board, and shall enter such bids

Bids to be recorded.

with the names of the bidders in a book to be kept for that purpose, which book shall at all times be open for the inspection of citizens, and every bid shall remain at least one day

When acted on.

open for discussion before any contract shall be awarded upon it, and after that time the award shall be made, if at all, to the lowest responsible bidder, who shall in all cases be required

Contractor to give bond.

to give ample bond and security for its performance, the bond

Board to approve bond.

and security to be approved by the members of said Board or

Contracts awarded, see majority vote.

a majority thereof. No contract shall be made which does not receive the assent of a majority of all said Board, and all

Signed by whom.

such contracts involving an expenditure of said sum shall be in writing, and shall be executed by the President and Secretary

Contract to be recorded.

of said Board, and shall also be executed by the other contracting party and shall be recorded in full in a well bound

Estimates by heads of departments.

book to be kept for that purpose open to the inspection of all citizens at all times. The Commissioners designated as the head of each department shall in every case involving an expen-

diture of over five hundred ($500.00) dollars, before any advertisement be made for proposals, submit to the said Board a statement in writing, with an estimate by him of the cost of the proposed work to be done, or material to be furnished, and unless the same receive the sanction of at least three members of said Board, it shall not be advertised or undertaken, said written sanction to be endorsed on the statement with the estimate made by said Commissioner, and to be kept on file in the office of said Board. It shall be a felony for any member of said Board to become interested directly or indirectly, nearly or remotely, in any contract of any kind in behalf of said City, and upon conviction, the party shall be punished as provided by article 266 of the Penal Code of the State of Texas, governing such matters; **Provided,** however, that nothing in this section shall be construed to prohibit said Board from having work done by day labor, or material purchased under such rules and regulations as said Board may by ordinance prescribe. And **Provided,** that eight hours shall constitute a day's work in all work done for the City, except in the Police Department, Health Department, Fire Department and the Electric Lights and Waterworks Department, and that not less than two dollars per day shall be paid for all work done either by the day or on contract let by said City as provided for in this section.

Approval of.

No Commissioner to be interested in contracts.

Punishment for.

Work may be done by day labor.

Eight hours constitute day's work, except.

Sec. 75. That no person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or freeholder in the City of Galveston, in any action or proceeding in which said city may be a party interested, and all officers and employees of said city shall be exempt from jury service while holding office or in the employ of said city.

Suits by or against city—citizens not disqualified as witnesses or jurors in.

Officers of city exempt from jury service.

Sec. 76. At the end of each fiscal year, if an amount should have accrued from taxation, or revenue received from dividends on stocks or surplus receipts, or earnings from any source, which are now or will be hereafter pledged to be applied to the interest and sinking funds for the protection of all classes of outstanding

Surplus receipts for account of bond funds, applied to general purposes.

bonds, or bonds to be hereafter issued, should exceed two per cent for sinking fund, then and in that event the surplus, if any, over and above said two per cent sinking fund, can be used for the purpose of making general improvements, or otherwise, as the Commissioners may determine.

Printed ordinances admitted in evidence.

Sec. 77. The printed or published ordinances and other acts of the government of said city purporting to have been printed or published under the authority of the Board of Commissioners or other municipal government of said city shall be received as evidence of the ordinances and acts therein contained. Certified copies of ordinances shall also be received in evidence. All ordinances, resolutions, rules and regulations now in force in the City of Galveston and not in conflict with the provisions of this Act shall remain in force under this Act until altered, amended or repealed by said Board after this Act takes effect.

Existing ordinances remain in force.

Corporation Court—establishment of.

Sec. 78. There shall be and is hereby established in said City, a Corporation Court, as contemplated, provided and required by Chapter XXXIII of the general laws of the Twenty-sixth Legislature of the State of Texas, passed at its regular session in 1899, being entitled "An Act to establish and create in each of the cities, towns and villages of this State, a State Court to be known as the Corporation Court in such city, town or village, and to prescribe the jurisdiction and organization thereof, and to abolish municipal courts." Said court shall be organized as provided in said Act, and have, use and exercise all the duties, jurisdiction and practise and proceedings therein provided and prescribed. The Board of Commissioners of said City shall, as soon as practicable after the passage of this Act, appoint the Recorder and all other officers of said court to hold office until the next ensuing biennial election or appointment of the successors of such Commissioners, when, and biennially thereafter, said Board of Commissioners shall appoint successors of such officers, and if at any time there be a vacancy in any of said offices, said Board of Commissioners shall by

Powers and jurisdiction of.

Officers of court—appointment of.

Vacancies—how filled.

appointment fill the same for the unexpired term; **Provided,** however, that said Board of Commissioners may at any time provide that the City Secretary or his assistant, if any be created by said Board, shall be ex-officio Clerk of said Court; and **Provided,** further, that said Board of Commissioners shall otherwise have, use and exercise all duties, powers and authority in and by said act conferred generally on the Councils or board of aldermen of cities, towns and villages; and **Provided,** further, that the compensation of the Recorder shall not exceed twelve hundred ($1200.00) dollars per annum. **Provided,** the Board of Commissioners may appoint a Deputy City Attorney to represent the City and the State in all cases in said Corporation Court, and who shall receive for his services the same fees now allowed the County Attorney in Justice Courts in misdemeanor cases.

City Secretary, or assistant, Clerk of.

Board of Commissioners same authority as Mayor and Aldermen.

Recorder's salary.

Deputy City Attorney to represent city.

Sec. 78a. That a certain agreement and contract of settlement, adjustment and compromise entered into by and between the City of Galveston and the Galveston Wharf Company, bearing date the 9th day of March, 1905, be and the same is hereby in all things ratified, approved and confirmed, a substantial copy of which said agreement and contract is as follows:

Wharf Company—agreement. [Acts 1905.]

STATE OF TEXAS,
County of Galveston.

Know All Men by These Presents:

That to finally settle the question of the apportionment of dividends to which the City of Galveston is and shall be entitled from the Galveston Wharf Company, and to finally compromise, settle and adjust all matters of difference and controversy, and all pending suits between said City of Galveston and said Galveston Wharf Company, the said City of Galveston, a body corporate and politic, and the said Galveston Wharf Company, a corporation duly incorporated under and by virtue of the laws of the State of Texas, having its domicile and principal office and place of business in the city and county of Galveston,

Texas, have mutually contracted and agreed to and with each other, and do hereby mutually contract and agree to and with each other, as follows:

Cash to be paid city.

1. Said Galveston Wharf Company shall pay to said City of Galveston sixty thousand dollars ($60,000) as follows: Ten thousand dollars ($10,000) each year for three consecutive years and the balance of said total sum of sixty thousand dollars ($60,000) each, in five annual payments of six thousand dollars ($6,000) each, the payment of the first ten thousand dollars ($10,000) to be made on the first day of November, 1905, and the remaining payments to be made on the first day of November of each consecutive year thereafter until the whole of the said sum of sixty thousand dollars ($60,000) shall have been paid, the said sum or an equivalent amount to be expended by said City of Galveston for drainage purposes in said city.

How used.

Suit dismissed.

2. Said Galveston Wharf Company shall, as soon as this contract and agreement takes effect, dismiss its suit against said City of Galveston to recover overpayments of taxes, pending in the District Court of Galveston County, numbered on the docket of said court 12,796, involving, in round numbers, with interest, about fifty-seven thousand dollars ($57,000), and said Galveston Wharf Company shall pay all court costs of said suit.

Fire protection —suit settled.

3. Said Galveston Wharf Company shall, as soon as this contract and agreement takes effect, pay to the said City of Galveston the sum of two thousand dollars ($2,000), and said City of Galveston shall receive said sum in full settlement of said city's claim against said Galveston Wharf Comany for fire protection involved in cause No. 22,321, now pending in the District Court of Galveston County, Texas, and said Galveston Wharf Company shall dismiss its petition in said cause, and said City of Galveston shall dismiss its cross action or plea in reconvention in said cause, and said City of Galveston shall have the right to make a charge against said Galveston Wharf Company, from and after the dismissal of said cause,

Rate for fire protection.

for fire protection, according to rates to be fixed by the Board of Commissioners of the City of Galveston or other government of said city, said rate, however, not to exceed forty cents per annum per thousand square feet of area occupied by said Galveston Wharf Company's sheds protected, said charge for fire protection, however, to be made against said Galveston Wharf Company only so long as said City of Galveston makes and enforces charges for fire protection against other persons or corporations for similar protection.

City's right in Wharf Company.

4. Said Galveston Wharf Company shall admit and recognize that, by virtue of the hereinafter mentioned decree, said City of Galveston owns an undivided one-third interest in all the property of said Galveston Wharf Company situated between Thirty-first street and Forty-first street north of Avenue A, in said City of Galveston, including what would be the prolongations of Thirty-first street and Forty-first street, and all of intervening streets, if the same were opened, in the same manner as the said city's one-third interest is now recognized and established in the property of said Galveston Wharf Company situated in said City of Galveston between Ninth and Thirty-first streets north of Avenue A by the decree entered in the District Court of Brazoria County, Texas, on the first day of April, 1869, in a suit by said City of Galveston against said Galveston Wharf Company, which said decree was duly ratified and confirmed by an Act of the Legislature of the State of Texas, approved June 23, 1870, and said city's one-third interest in all of the said property of said Galveston Wharf Company between Ninth street and Forty-first street north of Avenue A, in said City of Galveston, shall be represented by said city's sixty-two hundred and twenty-two (6,222) shares of stock owned by said city in said Galveston Wharf Company.

City's right to construct drains, etc., through wharf front.

5. Said City of Galveston shall have the right to open and construct drains and sewers, and combination drains and sewers to the channel of Galveston Bay, through and across any of said Wharf Company's property at such places between said

Ninth and Forty-first streets as may be necessary, and the right of way and permission for that purpose is hereby granted by said Galveston Wharf Company to said City of Galveston, and said Galveston Wharf Company hereby releases any claim for compensation or damages against said city for the taking, use, construction and continuous maintenance of such drains, sewers and combination drains and sewers, and all such drains, sewers and combination drains and sewers so opened and constructed shall extend to the channel of Galveston Bay; **Provided,** however, that if said city desires to construct any such drain (not a sewer nor combination drain and sewer) so as to empty into slip instead of the channel of the bay, said city shall first obtain written consent from said Galveston Wharf Company so to do, and if such consent is refused by said Galveston Wharf Company, nothing in this contract shall be construed to prevent said city from exercising any right of eminent domain it may have or acquire; and said city shall open and construct, at its own expense, all such drains, sewers and combination drains and sewers, through or across said Galveston Wharf Company,s property, and the location of all such drains, sewers and combination drains and sewers shall be agreed upon between the City Engineer of said city and the superintendent of said Wharf Company, and in case they can not agree upon such location they shall select a third person, and the majority of the three shall select a location, but this agreement shall not be construed to impair said city's right of eminent domain. Said Galveston Wharf Company shall not be held liable for and is hereby released from liability for any damage or injury that may be done to said drains or sewers or combination drains and sewers by the construction of said Galveston Wharf Company of improvements upon its property or the operation or use of its said property for its ordinary business; provided, that if said Wharf Company shall construct any building, shed or permanent structure upon its said property any damage to any such drains or sewers or combination drains and sewers caused by said construction shall be promptly repaired by said Wharf Company at its own expense, or said drains or sewers or com-

bination drains and sewers shall be, at the expense of said Wharf Company, promptly adjusted or arranged so as not to impair the efficiency thereof; and provided that said city shall, at its own expense, promptly, and to the satisfaction of said Wharf Company, restore any and all property of said Wharf Company in any manner disarranged, disturbed or injured by or as the result of the construction by said city of any such drains or sewers or combination drains and sewers through or across said Wharf Company's property, to the same or as good condition as said property was in before such disarrangement, disturbance or injury.

Wharf Company released from construction constructing drains.

6. Said Galveston Wharf Company shall be and hereby is released from any obligation to open any drains at its own expense and cost through or across any of its said property between said Ninth and Forty-first streets in said City of Galveston, and said Wharf Company shall have and is hereby granted the right and privilege, subject to the supervision of the city engineer of said city, to connect without charge any drains of its own with the drains or sewers or combination drains and sewers that may be constructed and maintained by said city through or across said Wharf Company's property; and said one-third of said Wharf Company's entire property owned by said City of Galveston as aforesaid shall be exempt from taxation, and said city shall be entitled to and shall receive dividends from said Galveston Wharf Company in the same manner in which such dividends have heretofore been paid; that is, said city shall be entitled to and shall receive upon each of its sixty-two hundred and twenty-two (6,222) shares of stock the same amount of dividends as shall be paid by said Galveston Wharf Company on any other share of capital stock of said Wharf Company, all fixed charges and legitimate expenses of operating, maintaining, repairing and improving the entire property in the same manner as heretofore, including all taxes, interest and sinking funds that may be due or become due by said Wharf Company, to be first deducted before the payment of any dividends, all previous assessments and payments of

taxes, interest, sinking funds and dividends being hereby admitted by said city to be correct; and said Galveston Wharf Company shall hold the title, subject to said city's one-third interest therein, to said entire property included in the territory north of Avenue A and between said Ninth and Forty-first streets in the City of Galveston, including what would be the prolongations of all streets if opened through said property; and the control and management of the whole of said Wharf Company's property, including said city's one-third interest therein to remain in said Wharf Company in the same manner as fixed by the before-mentioned decree of the District Court of Brazoria County, Texas, and said decree and all the terms and provisions thereof shall remain in full force and undisturbed except in so far as the same may be changed by this contract and agreement.

Ratification by Legislature.

7. This contract and agreement shall take effect and become binding upon the respective parties hereto when the same shall have been confirmed and ratified by an Act of the Legislature of the State of Texas, and when such Act shall have taken effect, and not before.

In Testimony Whereof, said City of Galveston has caused these presents to be executed for it and on its behalf by the Mayor-President, and attested by the Secretary of the Board of Commissioners of said City of Galveston, and the corporate seal of the city hereto affixed in accordance with and by virtue of a resolution of the Board of Commissioners of said City of Galveston, adopted at the meeting of said Board of Commissioners held in the City of Galveston, Texas, on the ninth day of March, A. D., 1905, a certified copy which is hereto attached and marked for identification "Exhibit A," and made a part hereof; and said Galveston Wharf Company has caused these presents to be executed for it and on its behalf by its president and attested by its secretary, and the corporate seal of said Galveston Wharf Company hereto affixed, in accordance with and by virtue of a resolution of the board of directors of said Galveston Wharf Company, adopted at the meeting of said

board of directors held at the office of said Galveston Wharf Company in the City of Galveston, Texas, on the ninth day of March, A. D. 1905, a certified copy of which resolution is hereto attached and marked for identification "Exhibit B," and made a part hereof.

Executed in duplicate at Galveston, Texas, on the ninth day of March, A. D., 1905.

(Corporate Seal of City of Galveston.) CITY OF GALVESTON,
By WM. T. AUSTIN
Mayor-President of the Board of Commissioners of the City of Galveston.

Attest: JOHN D. KELLEY, Secretary of the Board of Commissioners of the City of Galveston.

(Corporate Seal of Galveston Wharf Co.) GALVESTON WHARF CO.,
By JOHN SEALY,
President of said Galveston Wharf Co.

Attest: JOHN E. BAILY, Secretary of said Galveston Wharf Company.

* * * * * *

EXHIBIT "A".

Resolution of Board of Commissioners.

Be it resolved by the Board of Commissioners of the City of Galveston, That said city do make and enter into the proposed contract with the Galveston Wharf Company for the final settlement of the question of the apportionment of dividends to which said City of Galveston is and shall be entitled from said Galveston Wharf Company, and for the final compromise settlement and adjustment of all matters of difference between said City of Galveston and the Galveston Wharf Company, which said proposed contract, bearing date the ninth day of March, 1905, is hereto attached, and that the Mayor-President of said Board of Commissioners of the City of Galveston be, and he is hereby empowered, authorized and directed to execute and sign said contract on behalf of the City of Galveston, and

the Secretary of said Board of Commissioners of the City of Galveston be, and he is hereby authorized, empowered and directed to attest said contract, and affix thereto the corporate seal of said City of Galveston.

STATE OF TEXAS,
CITY AND COUNTY OF GALVESTON.

We, Wm. T. Austin, Mayor-President of the Board of Commissioners of the City of Galveston, and Jno. D. Kelley, Secretary of said Board of Commissioners, do hereby certify that the foregoing is a true and correct copy of a resolution unanimously adopted by the Board of Commissioners of the City of Galveston at the meeting of said Board held at the city hall in the City of Galveston, Texas, on the ninth day of March, 1905, as said resolution appears of record in the minutes of said meeting of said Board of Commissioners of the City of Galveston.

Witness our official signatures and the corporate seal of said City of Galveston hereto affixed at said City of Galveston, this the ninth day of March, 1905.

WM. T. AUSTIN,
Mayor-President of the Board of Commissioners of the City of Galveston.
(Corporate Seal of City of Galveston.)

JNO. D. KELLEY,
Secretary of the Board of Commissioners of the City of Galveston.

* * * * * *

EXHIBIT "B."

Resolution of Wharf Company directors.

Be it resolved by the Board of Directors of the Galveston Wharf Company, That said Galveston Wharf Company do make and enter into the proposed contract with the City of Galveston for the final settlement of the question of the apportionment of dividends to which said City of Galveston is and shall be entitled from said Galveston Wharf Company, and

for the final compromise, settlement and adjustment of all matters of difference and controversy, and all pending suits between said City of Galveston and said Galveston Wharf Company, which said proposed contract, bearing date of the ninth day of March, 1905, is hereto attached, and that the president of said Galveston Wharf Company be, and he is hereby empowered, authorized and directed to execute and sign said contract on behalf of said Galveston Wharf Company and the secretary of said Galveston Wharf Company be, and he is hereby authorized, empowered and directed to attest said contract and affix thereto the corporate seal of said Galveston Wharf Company.

STATE OF TEXAS, }
CITY AND COUNTY OF GALVESTON. }

We, Jno. Sealy, president of the Galveston Wharf Company, and Jno. E. Baily, secretary of said Galveston Wharf Company, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the board of directors of said Galveston Wharf Company at the meeting of said board of directors held at the office of said Galveston Wharf Company in the City of Galveston, Texas, on the ninth day of March, 1905, as said resolution appears on record in the minutes of said meeting of said board of directors.

Witness our official signatures and corporate seal of said Galveston Wharf Company hereto affixed at said City of Galveston, Texas, this the ninth day of March, 1905.

JNO. SEALY
President of the Galveston Wharf Co.
(Corporate Seal of Galveston Wharf Co.)

JNO. E. BAILY,
Secretary of the Galveston Wharf Co.

* * * * * *

Sec. 79. (93.) That an Act entitled "An Act to incorporate the City of Galveston and grant it a new charter," passed on the 2d day of August, 1876, and all other acts relative to the incorporation of the City of Galveston, as well as all amend- Act of 1876, etc., repealed.

Repeal does not affect ordinances, etc., of city council.

ments to the Charter of said city, be and the same are hereby repealed, excepting, however, all legal ordinances, resolutions or acts heretofore passed by the City Council of Galveston and any provisions of said Charter of 1876, and amendments and acts relating thereto providing for the issuance and payment of either principal or interest of outstanding legal unpaid bonds of the City of Galveston; **Provided,** that the rate of taxation hereafter fixed in any ordinance providing for the issuance of refunding bonds shall not exceed the rate levied in the ordinance under which the bonds to be refunded were issued: **Provided,** further, that nothing in this Act shall be taken or construed to impair the obligations of outstanding legal contracts of the City of Galveston.

Rate of tax on refunding bonds fixed.

Obligations, etc., of city not impaired.

All courts, etc., to take cognizance of this act.

Sec. 80. (94.) This act shall be taken and held to be a public law and all courts and tribunals shall take judicial cognizance and knowledge of the contents and provisions hereof, and it shall not be necessary to plead or prove such contents or provisions.

Repealing clause.

Sec. 81. (Section 3 of bill.) That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Emergency clause.

Sec. 82. (Section 4 of bill.) That the fact that there is no Corporation Court in said City of Galveston, and the administration of the law therein is in consequence greatly hindered, and that the other changes hereby made in the Charter of said city are urgently needed for the better administration of its affairs, creates an emergency and an imperative public necessity requiring that the constitutional rule that bills shall be read on three several days be suspended, and that this Act shall take effect and be in force from and after its passage, and it is therefore so enacted.

(**Note.**—The enrolled bill shows that the foregoing Act passed the House of Representatives by a two-thirds vote—ayes 110, nays 0; and passed the Senate on March 19, 1903, by a two-thirds vote—ayes 26, nays 0.)

Approved March 30, 1903.

Takes effect immediately on passage.

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